

# JOURNAL OF THE SENATE

OF THE

## SIXTEENTH LEGISLATURE.

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### EXTRA SESSION.

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#### FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, Texas, June 10, 1879. }

In obedience to the proclamation of his excellency Governor O. M. Roberts, issued on the twelfth of May, 1879, convening the Sixteenth Legislature in special session on the tenth of June (the present date), the Legislature met at 12 M., at the capitol, in the city of Austin.

The Senate was called to order by the president, Hon. J. D. Sayers, lieutenant governor of the state, when the following named senators, upon the call of the roll by the secretary, J. P. C. Whitehead, Esq., answered to their names, to wit:

Senators Blassingame, Brown, Buchanan, Burton, Davenport, Duncan, Edwards, Ford, Gooch, Grace, Guy, Hobby, Houston, Lair, Ledbetter, Martin, McCulloch, Moore, Motley, Ripetoe, Stewart, Shannon, Storey, Swain, Terrell and Tilson.

A quorum of the Senate was announced present by the secretary.

The following officers of the Senate were present and ready for duty, to wit:

J. D. Sayers, lieut. governor and president of the Senate; L. J. Storey, president *pro tempore*; J. P. C. Whitehead, secretary; W. A. Fields, first assistant secretary; Wm. Neal Ramey, journal secretary; Rev. C. C. Chaplin, chaplain; J. W. Swindells, calendar clerk; H. C. Surghnor, enrolling clerk; A. M. Belvin, engrossing clerk; W. P. Fisher, assistant sergeant-at-arms; Wm. Fitzhugh, doorkeeper.

The pages and porters of the regular session were present.

An impressive prayer was delivered by the chaplain.

The president laid before the Senate the proclamation of his excellency the governor, convening the Legislature in special session.

On motion of Senator Hobby, Hon. R. G. Street, Senator elect to fill the vacancy caused by the resignation of Hon. A. P. McCormick, Senator from the nineteenth senatorial district, came forward, took the oath of office, and was seated in the place of the senator aforesaid.

Senator Gooch offered the following resolution:

*Resolved*, That a committee of three be appointed by the president to notify the House of Representatives that the Senate has assembled under a proclamation of the governor, convening it in extra session, and is ready to proceed to business.

*Resolved*, That a committee of three be appointed by the president to notify the governor that the Senate has assembled under his proclama-

tion, convening it in extra session, and is ready to receive any message he may desire to lay before it.

Senator McCulloch moved that the pending resolution be postponed until the Senate is fully organized.

Lost.

The first division of Senator Gooch's resolution was adopted, and Senators Gooch, Edwards and Lair were appointed on said committee.

The second division of Senator Gooch's resolution was then adopted, and Senators Houston, Hobby and Stewart were appointed on said committee.

Each committee just appointed immediately performed the duty respectively required, and reported the same to the Senate.

A committee was received from the House, which through its chairman, Mr. Flewellen, notified the Senate that the House was organized and ready to proceed to business.

The president appointed the Hon. R. G. Street, the newly elected Senator from the nineteenth senatorial district, on the following standing committees, to wit: judiciary No. 1, finance and state affairs.

Senator Edwards offered the following resolutions:

*Resolved*, That the printing committee be instructed to contract with some suitable person or firm to print the daily journals of the Senate in quarto form, three columns to the page, in type not less size than Bourgeois, and that one thousand copies of said journal be printed for the use of the members at a price not to exceed two and one-half cents per copy of daily journal, the same to be delivered ready folded, at or before the hour of meeting of the Senate on each morning, and to be paid for out of the contingent fund of the Senate.

*Resolved further*, That the secretary of the senate be directed to furnish said contractor with an official copy of the journals on each day for publication.

Senator Shannor offered the following as a substitute for the resolution just offered:

*Resolved*, That the committee on public printing be, and they are hereby directed to contract for the current printing of the present session of the Senate, with the lowest responsible bidder.

On motion of Senator Edwards, the pending resolution and substitute were referred to the committee on public printing.

Senator Davenport offered the following resolution:

*Resolved*, That inasmuch as the assembling of the Legislature in extra session has transpired within the sixty days allowed the secretary of the Senate to complete the unfinished business of the regular session, in consequence of which the index of the journals is not yet completed; and inasmuch as it is desirable that the Senate should be in possession of said journal at the earliest day practicable, said secretary is hereby authorized to employ an assistant to bring out said journal, said assistant to do such other work at the secretary's desk or on the committees of the Senate as may be assigned him when not employed in said journal work.

Adopted.

Senator McCulloch offered the following resolution:

WHEREAS, The office of sergeant-at-arms of the Senate is vacant therefore, be it

*Resolved*, That the Senate now proceed to complete its organization by electing a sergeant-at-arms.

Resolution withdrawn.

Senator Hobby offered the following resolution:

*Resolved*, That the committee on rules inquire into and report as to the necessity for and expediency of a rule to take up and dispose of the unfinished business of the session of the Sixteenth Legislature relating to the subject matter specified in the governor's proclamation concerning the present session.

Referred to committee on rules.

The following message was received from his excellency the governor:

PROCLAMATION.

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, May 12, 1879. }

WHEREAS, the Legislature which convened on the fourteenth of January, 1879, adjourned *sine die* on the twenty-fourth of April, A. D. 1879, without passing any law that is now in force to make annual appropriations for the support of the free common schools, for the payment of the interest and sinking fund of the bonded public debt of the state, and for other objects necessary for the successful operation of the state government, and without passing any effective laws for the sale of the public lands to pay the public debt; for sale of the school lands to raise a fund to aid in the support of the free common schools; for the sale of the university lands, the asylum lands and lands belonging to other special funds, which sales, if judiciously and expeditiously made, would greatly relieve the taxpayers of Texas from the present heavy burdens of taxation, and without passing a law or providing the amendment of the constitution for the more rapid disposition of business in the supreme court and in the court of appeals, both of which courts are, and have long been, so overburdened with accumulated and accumulating business as to impose an onerous hardship on the courts, and almost a denial of justice to many of the litigants; and without passing some other laws of an original, amendatory or remedial character, that would facilitate the carrying on of the government; and an extraordinary occasion has now arisen, which is deemed sufficient by the chief executive to convene the Legislature at the seat of government, in special session, to take such action as they may think proper under and in accordance with section 40 of article 3 of the constitution of this state;

Now, therefore, I, Oran M. Roberts, governor of the State of Texas, by authority of the constitution, do hereby call a special session of the Sixteenth Legislature, to convene at the capitol at Austin, at 12 o'clock noon of Tuesday, the tenth day of June, A. D. 1879, to pass such laws as they may deem for the public good upon the following subjects of legislation, to wit: [*See the body of the message.*]

In testimony whereof I hereunto sign my name and cause the seal of state to be affixed, at the city of Austin, this the twelfth day of May, A. D. 1879.

O. M. ROBERTS, *Governor.*

By the governor:

JOHN D. TEMPLETON, *Secretary of State.*

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, June 10, 1879. }

*To the honorable Senate and House of Representatives in Legislature assembled:*

I have called you together to consider some matters of very great importance to the welfare of Texas. They involve the determination

practically of whether or not the principle shall be enforced and established on a permanent basis, that the first and highest duty of the state is to secure to the people an efficient and economical government for the protection of their rights of person and of property; the determination practically of whether or not the taxes which they pay annually shall be applied first to the accomplishment of that object in preference to every other; the determination of whether or not the expenses of the government shall be annually met and promptly paid by the annual revenue, that can with reasonable certainty be collected, without an increase of taxation that would be onerous or oppressive, and without an increase from year to year in the future of the public debt incurred to pay deficiencies of the revenue to meet the annual expenses; the determination of whether or not those who now and hereafter administer the state government will sell the public lands still left, as soon as practicable, to pay the public debt, and relieve the people from paying the taxes necessary to pay the interest and sinking funds, instead of giving away the public lands; the determination of whether or not the large amounts of lands belonging to the common school fund and other special funds shall be more expeditiously sold, so as to increase those funds, and thereby proportionally relieve the people from paying taxes to support the institutions and objects to which those special funds are devoted.

Upon all these subjects my views and recommendations were fully expressed in the inaugural and messages communicated by me to the Sixteenth Legislature at its regular session, which are again submitted for perusal and consideration by those of your honorable bodies who may desire it.

They embrace, for the most part, the subjects that have anxiously engaged the strenuous efforts of all of the departments of the state government during the last five years of its administration. Whatever I have added is in harmony with and furtherance of that which has been heretofore accomplished in that effort during that time, in the improvement of our condition as a state; and is to further perfect that which was then inaugurated and pursued vigorously, but which it was not practicable under the circumstances to bring to a completeness of accomplishment within that period. It is not at all singular or strange that we should find ourselves in the present condition in the affairs of the state at this juncture, when we consider our history for the last eighteen years, with the consequences thereby entailed upon us in the natural course of things. In every government or state, during a great protracted war, there is a cessation or retardation in the usual and regular material development of the country that leaves a vacuum in the current of gradual progression which, upon a return of peace is invariably attempted to be filled by extraordinary efforts in all the channels of industrial pursuits, and governmental efforts that leads to and ends in undue inflation in everything. Then commences an effort to find and reach the true peace standard under the changed state of things, both in private and public affairs. Great difficulty is always found in getting down to that standard, which usually requires many years and many struggles in its progress of accomplishment. We are now safely in that progress and have arrived at an advanced point in it already. Surely it cannot be so soon forgotten *what* powerful efforts and rapid strides in that direction were made by *those* controlling the public affairs of the state during the last five years pre-

ceeding this, in all of the departments of the state government. In the natural course of events it is the mission of the present administration to reach if possible in all the departments of the state government that standard, upon which the government can hereafter be efficiently and economically administered, without an increase of public debt, and to inaugurate a policy looking to a relief from the burdens which have incidentally resulted from the events through which we have passed, and to advance upwards in the scale of general prosperity and good government.

The matters submitted for your action in the proclamation convening the Legislature are as follows:

First—To make appropriations for the annual payment of the interest on the public bonded debt of the state and for a sinking fund for the ultimate discharge of said debt, if not otherwise paid.

Second—To provide for the sale of the public lands, now amounting to over 15,000,000 of acres, in order to pay off the public debt of the state, now amounting to about \$5,500,000, and thereby save the necessity of imposing on the people, as soon as practicable, taxes to pay the interest on it, now amounting annually to near \$400,000.

Third—To make an appropriation of a specific amount for the annual support of the free common schools, out of the interest of the state and railroad bonds, now over \$3,000,000 in amount, and so much more out of the general revenue as can be spared therefrom after providing for the prompt payment of the necessary expenses of an efficient and economical state government, and to repeal all laws or parts of laws that undertake to set apart or designate the amount of said annual appropriation for said purpose, in advance of or differently from the said specific appropriation now to be made, in order that hereafter each recurring Legislature may be left entirely free to determine the amount that can be safely appropriated specially for said purpose under the then existing financial condition of the state.

Fourth—To provide for the sale more expeditiously of the lands belonging to and set apart to the free common school permanent fund, amounting now in surveyed and unsurveyed lands to about thirty-five million of acres, and the investment of the proceeds thereof in order to raise a large fund in the shape of interest-bearing bonds to enable this state, as soon as possible, "to establish and make suitable provision for the support and maintenance of an efficient system of public free schools," which is required by the constitution, which has not yet been done or even approximated by the very large appropriation of one-fourth of the entire revenue raised by taxation annually, aided by the interest of \$3,000,000 of state and railroad bonds belonging to its fund, and never can be by a direct state tax, without the aid of a large fund yielding interest, and it may be not then without the aid of voluntary local taxation as is done in other states.

Fifth—To provide for the sale of the university lands more expeditiously, and the investment of the proceeds thereof, there being now of bonds, money and notes belonging to said fund something less than one-half a million dollars, and of lands, surveyed and unsurveyed, one million and over two hundred thousand acres, in order that in some reasonable time in the future a state university may be established, which has already been deferred forty years, since the donation of fifty leagues

of land to it, and may be deferred forty more under the present mode of selling and not selling its lands.

Sixth—To provide for the sale and investment of the proceeds of the lands belonging to the funds of the Lunatic Asylum, of the blind and the deaf and dumb institutes, and of the orphan asylum, now consisting of over four hundred thousand acres, to aid in the support of those institutions, which now cost over \$75,000 annually out of the general revenue derived from taxation, and should be enlarged as soon as practicable to receive double the number of inmates, if all were received that should be.

Seventh—To provide for appropriation out of the general revenue for defraying incidental expenses of the board of education, in the management of the free common schools, and the expenses of the normal schools at Huntsville and Prairie View, instead of drawing them from the fund set apart for the support of the free common schools, which the constitution requires to be distributed to the counties according to their scholastic population, and to repeal or amend all laws not conforming to such appropriations from the general revenue as here indicated.

Eighth—To amend the law establishing the Agricultural and Mechanical College at Bryan, so as to allow the board of directors to devote and apply the interest of its fund or a part of it to other purposes than to pay "directors, professors and officers," so that it may be made more conformable to the design of said institution, for the education of skilled labor in agriculture and the mechanic arts.

Ninth—To make an appropriation and amendments for prompt execution of the laws passed in the late session of the Legislature for the collection of back taxes and for the collection of taxes from non-residents in the unorganized counties.

Tenth—To provide more efficient laws to regulate the organization of new counties, and to better provide for the appointment of officers in the unorganized counties.

Eleventh—To make additional appropriation upon various subjects in the public service that upon examination may be found wanting or deficient, so that warrants can be issued for all necessary expenses.

Twelfth—To provide by law for the return to the comptroller's office before the meeting of each regular session of the Legislature of all sheriffs', attorneys' or other valid claims against the state for which warrants may not have issued, so that correct estimates may be made of any deficiencies in the appropriations, and to provide against the issuance of "O. K." certificates.

Thirteenth—To provide adequate penalties for the embezzlement of the funds collected for the state and for default in not returning them according to law to the state treasurer, and to authorize the prosecutions to be maintained in Travis county, either by original jurisdiction or be the change of venue in such cases.

Fourteenth—To amend the law letting out on contract the conveying of convicts to the penitentiary, so as to permit the sheriff to carry them in one week after adjournment of the court, if the contractor does not apply for them.

Fifteenth—To provide for the appointment of a financial agent to act in aid of our members of congress in prosecuting and collecting our claims against the United States, to be paid out of what may be collected.

Sixteenth—To make appropriations and provisions that may be neces-

sary to receive and accommodate in the Lunatic Asylum, and in the Blind and Deaf and Dumb Institutions, all such persons in the state as are entitled under the laws to have the benefit of said charities, many of whom cannot now be received and accommodated in such institutions.

Seventeenth—To amend the laws relating to the adjutant general's office, so as to authorize the purchase of a lot for the erection of the arsenal provided for, outside of the capitol grounds; to equalize the compensation and arming of the police and frontier force, and to equalize the salary of the clerk with other clerks of the same grade.

Eighteenth—To provide for the appointment of a board or boards, when necessary, to inspect and condemn for the sale, exchange or destruction of useless or defective property, belonging or pertaining to any of the executive departments or state institutions, or state boards.

Nineteenth—To make a contingent appropriation, to be used, if necessary, in the event that the lease of the penitentiary is abandoned, or its control is resumed for any cause by the governor; which appropriation was made, though not used, and should be repeated for the interest of the state.

Twentieth—To amend the law so as to allow indigent convicts who are pardoned out of the penitentiary to be furnished with clothing and transportation, the same as other discharged convicts are by law.

Twenty-first—To provide for sheriffs', clerks' and attorneys' accounts against the state, in criminal cases, to be made out separately under oath, and to be allowed by the judge and recorded in the minutes of the court at the term in which said cases are tried, and to require the judge to disallow said accounts for the trial or conviction of each party when several are tried together, and to disallow a repetition of said accounts when the same party or parties are tried or convicted on several indictments founded on the same transaction.

Twenty-second—To provide for a commission or other tribunal, or some remedy in aid of the supreme court and of the court of appeals in the dispatch of the business that has accumulated in said courts beyond their capacity to decide; the said courts being now at least one thousand cases behind in their business from year to year.

Twenty-third—To provide for a change or transfer of the civil jurisdiction of the different county courts, or of any one or more of them, and a corresponding change in the jurisdiction of other courts under the provisions of the constitution allowing it, so as to relieve the court of appeals, as far as practicable, from the trial of any other than criminal cases.

Twenty-fourth—To provide for the protection of the interest of the state and of its citizens by the passage of such laws as may be found necessary in relation to the Mercer colony claim, and any suit or suits that have been or may be brought concerning it, or any other claim against the state or department, or officer thereof.

Twenty-fifth—To provide for a state board of health to co-operate with the national board of health, if upon consideration it should be deemed proper.

Twenty-sixth—To provide for holding state, district and county elections on a different day from that upon which congressional elections are held under the laws of the United States.

Twenty-seventh—To provide for authority to attorneys and agents of the state to bid for and to buy in for the state lands sold under execu-

tions issued upon judgments in favor of the state, and for the selling of the same so as to collect the money due to the state, and the same authority to the attorneys and agents of the counties to collect money in similar cases coming to the counties.

Twenty-eighth—To amend the tax law, making a discrimination in favor of sleeping cars owned by persons or companies in this state, and impose such tax upon all sleeping cars as the Legislature may deem proper.

Twenty-ninth—To re-enact the law of 1876 for the collections of tax on delinquent list, repealed as is supposed by mistake, in the passage of a law for the collection of taxes on lands which had not been rendered, and on other subjects to which the attention of the Legislature may be called during its special session by messages from the chief executive of the state.

The following subjects are also submitted for consideration and action, should the Legislature deem it proper to act upon them:

Thirtieth—An amendment of the law relating to requiring tax collectors to bid in lands for the state, so as to prevent a conflict in the two statutes passed upon that subject by the Sixteenth Legislature, in Senate bill No. 123 and House bill No. 338.

Thirty-first—An amendment of the law relating to sheriffs fees for conveying prisoners, to prevent conflict between the two statutes passed by the Sixteenth Legislature in the Penal Code as amended and Senate bill No. 252.

Thirty-second—An amendment of the laws relating to cattle and hide inspectors, so as to reconcile the real or apparent conflict in the several laws passed by the Sixteenth Legislature, as to the power of the governor to appoint in counties bordering on Red river, and as to other matters in House bill No. 99, Senate bill No. 322, Penal Code, article 785, and Revised Civil Statutes, article 4659.

Thirty-third—A law providing that the moneys collected on forfeited bail bonds and recognizances, or so much thereof as may be sufficient, shall be paid into the state treasury in each and every case wherein a reward or expenses have been paid out of the state treasury for the arrest and return of fugitives from justice.

Thirty-fourth—A law to provide for the disposition of useless papers and instruments in the treasury department.

Thirty-fifth—To amend the law making the deficiency appropriation passed by the Sixteenth Legislature so as to make an equal distribution to all of the owners of claims, according to their amounts, as nearly as practicable, of the money that may be in the treasury from time to time for their payment, and to provide for warrants not bearing interest to be issued to tax collectors embraced in said act who are indebted to the treasury, and to add other valid and just deficiency claims that may be found due.

Thirty-sixth—An amendment of the law passed by the Sixteenth Legislature, providing a mode of making payment of school teachers' accounts during the scholastic years of 1875 and 1876, so as equally to provide for the payment of superintendents and directors of schools during the same periods.

Thirty-seventh—An amendment of the law relating to county finances in respect to accounts approved by the commissioners' court.

Thirty-eighth—An amendment of the laws so as to extend or alter



the times of holding courts in Marion and other counties if found necessary.

Thirty-ninth—An amendment of the law establishing a normal school at Prairie View, in respect to the fund to be applied to it, the law establishing the normal school at Huntsville extending the time for perfecting the title to the property donated to the state.

Most of the heads of legislation here indicated will require but little explanation or investigation for their objects to be understood. The mere reading of them will likely suggest their necessity or propriety to those who may deem legislation upon them to be proper at this special session.

The finances of the state having been the subject which mainly caused the Legislature to be convened in special session, it may be proper to present my views generally upon that subject as a predicate for such recommendations as I may make thereon.

The prime object of concern, and of interest to the public welfare in any government, is the proper management of its fiscal affairs. It is the most difficult and complicated of all the parts of governmental machinery and action, especially when there have been disturbing causes, arising out of changes in systems of finance, changes in the government or essential changes in the condition of the country. Texas has from its very origin been subjected repeatedly to all these disturbing causes at different times, and often.

The consequences of this are most strikingly illustrated in the introduction to the able and exhaustive report of the Hon. S. H. Darden, comptroller of public accounts, to Gov. Coke, in 1876, in which is historically exhibited the startling fact that during thirty years of our existing, from 1846 to 1876, both inclusive (leaving out the period during the war and military rule), the annual revenues collected by taxes have not at any time been sufficient to pay the annual expenses of the government, and that other means had to be obtained to pay the ever-recurring deficiencies in the revenue.

At one time \$100,000 of the common school fund, and at another time \$100,000 of the university fund were taken for that purpose, and at other times the proceeds of the sale of our new Mexican territory were used to defray the expenses of the state government. This does not show an entire want of political wisdom in those who controlled our public affairs throughout that whole period, when we come to understand the condition of things under which they acted, so much as it does the great difficulty for any one, under such disturbing causes, continually recurring, to anticipate with any certainty prospective revenues, and prospective expenses, so as to insure their being equal to each other. Unless past experience furnishes a sure guide, by the uniformity and stability upon which it is based, free from the changes constituting disturbing causes, our financial estimates will be like dealing in futures, stimulated by ever-present flattering hopes of good results. In that report is found estimates of this deficiency for the year ending 31st August, 1876, the sum of \$212,034 57, and of deficiency for the year ending 31st August, 1877, the sum of \$300,000.

In November, 1876, Governor Coke, just before his retirement from the gubernatorial office, issued to the public a letter (sustained by an exhibit from the comptroller's office) containing a masterly and elaborate exposition of the financial condition of the state; showing the large

amount of floating debt thrown by the previous administration upon him, his management thereof to establish the credit of the state and the extraordinary expenses necessarily incurred in defending the frontier, in building a college and penitentiary, and in other things incident to the righting up and restoring to order the administration of the government. The estimate of \$300,000 deficiency was based upon an assessment of taxable property in the state of \$260,000,000. Gov. Coke hoped that the assessment of 1877 would reach \$300,000,000, and so it did, as it did also in that of 1878. By that means, and by the improvement in the laws for the collection of taxes, and by an additional poll tax imposed, he reasonably expected that the revenues would more than overcome the then estimated deficiency of \$300,000. But the extraordinary expenses continued in a considerable degree at least, and the collection of revenue did not fully meet expectations in point of time and amounts, however well founded in anticipation, and the current expenses increased on some subjects.

The comptroller, in his report of expenses up to August 31, 1879, makes no estimate of deficiency to exist at that period. But Governor Hubbard, in his message to the Legislature in January last, estimated the deficiency at the end of the fiscal year, thirty-first of August, 1879, at \$102,250 86. But in the data given by him upon which he bases his estimate, he leaves out \$100,000 sinking fund, which the present treasurer will reserve and invest in bonds, if there should be an appropriation for it, and also expressly the expenses of the Legislature to be not included. If those amounts had been added his estimate of deficiency at the end of this fiscal year, thirty-first of August, 1879, a part of the comptroller's report for 1876, Governor Coke's letter of 1876, and an extract from Governor Hubbard's message in January last to the Sixteenth Legislature, exhibiting the facts recited from them, are herewith submitted as accompanying documents.

At the meeting of the last Legislature in January last, it was generally estimated that the deficiency at the end of 1878, both in appropriation and money to pay it, to be \$300,000, and that was the amount found at the close of its session, if we exclude from the deficiency bill \$240,000 in claims due tax collectors, which will require no money to pay.

The appropriations in 1876 to meet prior deficiencies were about \$200,000, and at the same time \$200,000 bonds were authorized to be sold to pay deficiencies that might accrue, and which were sold and applied to help out the revenue. The sinking fund, amounting, during that period from August 31, 1876, to 31st December, 1878, to \$233,000, was not reserved, except about \$25,000 of it, and to buy in bonds of the state and the balance of it was used as revenue, amounting to \$208,000. On the 31st of December, 1878, and thence up to the adjournment of the Legislature, 24th of April last, there was no permanent surplus in the treasury to pay warrants regularly when presented, without any delay at all times; nor had there been for several years previously. Now, if these facts are considered as they stood from the commencement to the end of the last session of the Legislature, they then showed this state of financial operations of the state during the two and one-third years preceding the first day of January, 1879, that \$208,000 sinking fund had been used as revenue to keep the deficiency down to \$300,000, as it was estimated in 1876, and the bonds issued to aid revenue were equal to deficiency previous deficiency \$200,000 each, and therefore the revenue received

the treasury during the two and a half years before the first of January, 1879, was less than the expenses of the government \$208,000, the sinking fund used as revenue, being an annual failure to meet expenses of \$69,333.

Since then the valid claims that should have been in the deficiency bill have been ascertained (how much more will be cannot be guessed now) to the amount of \$115,000, which, added to the \$208,000, makes \$323,000, showing that the expenses had exceeded the revenue received in the treasury during two and a half years upon an average of over \$100,000.

Under the view which these precedent facts would necessarily impress, that the government was being carried on, as it always had been since 1846, with annual expenses exceeding the annual revenues collected and received in the treasury to pay them, I recommended to the Sixteenth Legislature a retrenchment in the expenditures, generally, upon all subjects so far as it was practically consistent with an efficient and economical government, and to provide means of increasing the revenue wherever it could be done without acting oppressively upon the interests of the country.

The Sixteenth Legislature, similarly impressed with myself as to what was required at their hands, engaged themselves most industriously in a long and laborious session, and passed many valuable laws for the accomplishment of those objects, except in renewing the appropriation of one-fourth of the revenue for the support of public free schools. The large appropriation for the support of schools and for frontier protection and police force are the main subjects that had increased the taxes, increased the public debt, and for years back had embarrassed the finances of the state so that there was no regular certainty in the warrants for current expenses being paid at the treasury on demand, which resulted annually in a loss of thousands of dollars to those who held them, and encouraged speculations in the debts of the state, to the great discredit of our financial system. The appropriation for the frontier and police force and the pensions to veterans and other meritorious objects, were made to yield to the necessities of the hour. The schools alone of the important objects were held up in the appropriations to the former high standard of expense.

The manner and time in which the laws passed on the subject distributed the money for the schools, constituted a source of embarrassment to the treasury during one-half or two-thirds of the year, even if the state could afford to appropriate so large an amount annually to them by holding back from the treasury and clogging up in the treasury large amounts of money, which, after so long a time, would be returned to or turned over in the treasury as revenue to pay debts. It might possibly have been found that, with the improvements made in our finances, the revenue in succeeding years might have sustained so large an appropriation, which it had failed to do in former years. Still there was no certainty of it, and its possibility depended largely on future contingencies. Is it not reasonable to suppose that those who have gone before us were as patriotic and wise politically as we are? For more than a third of a century in making estimates of the future, in which, as we find by our financial history, they have failed of realization at each and every time they have tried it, upon prospective probabilities. Is it not time, that after a failure of nearly forty years in the calculations of future probabilities, there should be a determined effort to provide for a certainty for

one time, and now, for what then we may hope will be continued in the future, that the annual expense shall not be greater than that which the annual revenue collected will promptly pay, without increasing the burden of taxes upon the people?

To give whatever aid I could in the accomplishment of that object has guided my recommendations and official conduct as governor of Texas. (I herewith submit to the members of your honorable bodies copies of my inaugural and messages to the Sixteenth Legislature for the consideration and perusal of those who may desire it.)

Since the adjournment of the Legislature, our financial prospects have brightened, to the extent of having in the treasury a surplus of receipts above expenditures that enable us to pay warrants when presented. Whether this is to be permanent, or as heretofore only temporary at this time of the year, can only be at present the subject of speculative calculation. For notwithstanding there was on the seventh day of this month in the treasury the sum of \$193,292 67 of revenue subject to the payment of warrants after deducting the money for the July interest on public debt and a year's appropriation for sinking fund, the comptroller reports to me his estimate of the deficiency at the beginning of the next fiscal year, first of September, 1879, to be \$239,439. If this reduction of deficiency and cash on hand should be a permanent or not a temporary result, it will show that improvements in our collection of taxes, introduced during the administration of Governor Coke in 1876, and carried on through the administration of Governor Hubbard, though not exhibiting ostensibly its results as soon as it was anticipated, and now beginning to be felt in the general operations of our financial system. While we should hope such to be the case, we should not rely too confidently on it. Because, as explained by me fully in one of my messages, the months of March, April, April, May and June, constitute a period of the year under the laws regulating our financial system, in which we might expect a surplus of money in the treasury the same as there is a scarcity in the late summer and fall months; whether the revenue for the year is equal or less than the expenses of the government. It should be borne in mind that the last crop sold at low prices; that the newspapers are covered by the sheet with land sales for taxes; that the skies have not been propitious for a good crop this year; and that much of our hopes of improvement in the future taxes are based upon new experimental modes of taxation; that already there has been exhibited on the tax roll a shrinkage in the value of taxable property of the state of about \$15,000,000, and that after all the amount of revenue that can be raised permanently depends mainly upon the permanently active productive property and industries of the state.

And if our most sanguine anticipations should be realized as to the production of new taxes, and the effect of reduction of expenses so that we find the treasury of the state with a permanently running surplus of one or two hundred thousand dollars to bridge over the occasional and periodical chasms of scarcity in revenue, it would be the true condition for the treasury of the state to occupy towards its creditors of all sorts, and its continued permanency from year to year, through a succession of years, would be the best evidence that we were in no danger of going in debt to defray the expenses of the government, and that we had the solid capacity "to pay as we go."

It is said that the Legislature provided the means, by issuing bonds,

to pay in part the deficiency and postpone the balance of it, the answer is that, that merely as had been done before, created an interest-bearing debt, as part of our financial system, to be repeated when necessary, but of itself gave no certain surety that another deficiency would not be created by the time of meeting of the next Legislature to be disposed of in the same way.

#### PUBLIC FREE SCHOOLS

Is another subject that mainly entered into the occasion of the Legislature being convened in special session, and it is therefore proper that I should give my views thereon, as a predicate for such recommendations as I may make in relation thereto.

The best and most satisfactory common schools that we ever had were those during a number of years before the late civil war. Then the state aided the people's schools with a bounty, by paying for indigent scholars that went to school. In other states, where good public free schools are maintained, the state devotes a sufficient amount from the public treasury or public funds to take control and give direction to and supervision of the schools; but the great bulk of the means to support and maintain them is contributed by the local authorities where the schools are taught, all being regulated by law and working in harmony.

It is hardly necessary now to indulge in any speculations as to the best modes and means of promoting common school education in this state. The constitution, which must control legislation, indicates both the mode and the means by prescribing that "it shall be the duty of the Legislature of the state to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." By this the state assumes the whole duty and burden of establishing them, that is, of prescribing how they shall be instituted and conducted, as well as to provide the means to make them public free schools. The manner of providing the means for their support and maintenance as free schools so as to render the system, established by the Legislature, one efficient system is also prescribed in the constitution. It is in the power given to sell common school lands (of which there are now about 35,000,000 acres), and by investment in bonds to increase its fund, now over \$3,000,000 in bonds drawing interest for it. It is the power "to set apart annually not more than one-fourth of the general revenue of the state, and a poll tax of one dollar." The interest on the bonds and the taxes authorized and levied are required to be applied annually to the support of the public free schools. What standard of efficiency, when was it to be arrived at, what degree of learning does it import, what is to be the qualification of its teachers, who shall supervise its operations, what shall be the character of school houses, and whether rented, built or bought by the state, what shall be the ages of the scholars, what amount shall be distributed, and in what manner, how shall the schools be organized and conducted, how and when shall the lands be sold to increase the fund? These and many other questions might be put, when considered in connection with the condition of the country. Its scattered population, and its financial capacity show that a large discretion was necessarily left to the Legislature in the accomplishment of the object required of them. The convention must be supposed to have intended something practical, and not that the Legislature should or could at once speak into existence an institution in this new country, with complete efficiency, as it exists in

older states that have been half a century in building up and perfecting them. Nor could they have intended that the vain effort to do it should be attempted in a way to sacrifice or even jeopardize other important objects. But rather it is to be supposed that they required that the Legislature should at once set about it, and continue their efforts from time to time as the condition of the country might permit and require and develop the means placed at their command, and step by step advance in its improvement until it should mature into "an efficient system of public free schools."

The constitution enjoins upon the government numerous other important duties. One of them is to make good laws and have them well executed for the protection of the life, liberty and prosperity of its people. That is not emblazoned in terms upon the pages of the constitution with positive and specific directions, like that for the school system. The reason for that is, not but that it is more important relatively, but because it is nothing new and because it underlies and pervades the whole fabric of the constitution. The direction of duty about the schools is positive and specific, simply because it was designed to map out a new system and to introduce a new feature in our governmental policy and give it a shape we had not long been familiar with in this state; and, therefore, it follows that the mode of expression adopted to impose the duty to establish public free schools is no criterion of its relative importance, compared to other duties, and no evidence that it is given a special precedence over others. While all duties are binding, they are, in the very nature of things, not equally imperative in the obligation of their performance when all cannot be performed to the fullest extent. The duty upon a man to feed, clothe, shelter and protect his family is more imperative than that to send his children to school, though he may be in duty bound to do all these things, if he can.

The highest and most imperative duty resting upon a state is to make good laws and have them all well executed, for the protection of life, liberty and property, and certainly those who perform that duty for the state are entitled to be its preferred creditors, who should be paid for their services without delay and without suffering discount.

That being done with certainty, it is our duty to support and maintain the public charities, and the public free common schools to the extent of our ability, if for no other reason because the constitution imposes it upon the Legislature as a duty. That is reason enough, and there is no use in arguing the right or the wrong of it now.

It should be done in a manner that would least discommode the accomplishment of the more important object. I herewith submit a detailed report from the Secretary of the Board of Education, containing a statement of the operations of the systems of public free schools from 1874 to the present time. From an examination of this it will be seen that the mode of distributing the funds to the counties involves uncertainty in estimating the proper amount, which results in lapping over from year to year parts of it in the precaution properly used not to apportion too much, by which the scholars of subsequent years get the benefit of part of that which was appropriated to those of former years. This, strictly considered, might be found contrary to the constitution.

The board, when the new amendment of the school law goes into effect, will apportion on the first of July each year the fund to the counties. They will have no tax rolls by which to determine the amount of

the assessment for the year, and will have to guess what it will be by what it was on a former year, and it will not be ascertained what amount should have been apportioned until the close of the accounts of the treasurer on the last of August of the next year. This results from an appropriation of a fourth or a sixth of the revenue, instead of a specified amount in dollars, as it was formerly done. Another objection is, that the apportionment is made, and the whole amount in the shape of orders on the tax collectors in favor of the county treasurers is sent out at one time, which causes the taxes of all sorts to be withheld from the state treasury, and, in addition, a large amount of school fund in the treasury from being turned over to the revenue until those orders are satisfied and returned to the comptroller, which causes a scarcity of revenue in the treasury for nearly half the year after those orders are sent out, and it would have that effect, and consequently greatly embarrass our financial system in making prompt payment of warrants when presented during that time if our revenue was equal to expenses. Another objection to the system is that there are provisions in the tax law and in the school law that specify the proportion of the taxes to be levied and collected for the schools, which is construed to have the effect of making the amount when received in the treasury a special fund, and thereby ties up the hands of succeeding Legislatures from appropriating it to any other purpose, whether the state can afford to devote the amount to schools or not. It would be much more in accordance with the principles of good government and more in harmony with the provisions of the constitution, that it should be received into the treasury as revenue, wholly subject to the disposition of the Legislature, and be appropriated as revenue, and not as a special fund. I therefore respectfully recommend that those provisions be repealed, and that the Legislature appropriate a particular amount named in dollars, which will include the one dollar poll tax, the interest on the bonds of the school fund, and enough of the revenue to fill out the amount appropriated. The only limitation in the constitution is that the revenue appropriated shall not be more than one-fourth of the revenue, leaving out the one dollar poll tax.

The Legislature will be as well fitted to determine the amount to be devoted to schools as the Board of Education, who have in effect been making the appropriations under the present law, by a rule laid down by the Legislature; or, if another mode can be found by which the amount can be made certain by the Legislature, after they shall have provided for other necessary objects of expenditures, that may answer the same purpose.

I respectfully recommend that the law be changed, so that the board of education shall give orders at one time for only one-half of the amount apportioned to each county or city entitled to it, and for the other half at another time, after the first order is returned.

I respectfully recommend that separate appropriations be made for the normal schools, and for the expenses of the board of education in superintending the schools out of the revenue. These items being incidental to and connected with the common school system, may well be taken into consideration as part of it in estimating the portion of the public revenue that can be appropriated to that purpose. It is important that each object capable of separate appropriation should appear in the appropriation act, so as to give public information of what amounts have been appropriated for each, which has not been the case in regard to the pub-

lic free schools since 1875. (I herewith submit a report of President Gathright about the Normal School at Prairie View):

THE SALE OF THE PUBLIC LANDS—THE UNIVERSITY, ASYLUMS AND PUBLIC FREE SCHOOL LANDS.

In my inaugural and messages, again submitted for your consideration, I endeavored to urge the propriety of immediately inaugurating the policy of expeditiously selling all of these lands. It will take fifty years to extinguish our public debt by the two per cent. sinking fund, the lands will be gone long before that time, and the people will have to be taxed to pay the debt in the end and the interest of it in the meantime.

The scholastic population is increasing faster than the public free school fund. That means increased taxation to preserve the present standard of schools. There are now about thirty-five millions of acres of school lands, which ought to increase the present school fund from three to fifteen or twenty million dollars. With such a fund drawing interest we might hope indeed to build up and maintain an efficient system of public free schools with the aid of a light tax that would hardly be felt. Equally as good reasons may be given for the sale of all the other lands. I respectfully recommend one commissioner be appointed to sell all of these lands under the direction and sanction of a board of executive officers; that an appropriation be made to pay his salary and incidental expenses, and that each class of land shall be made to bear the expense of selling in proportion to the value of its land that may be sold. I have good reason to believe that with the facilities thus furnished, and upon extensive publications being made to let it be known, great quantities of land can be rapidly sold, and that it will be the best and fastest way to settle the country with a good population. I deem this a matter of great importance to the public interest in many respects, but especially as it looks to a more speedy closing up of the interest that the state has in lands, and will relieve the people from taxes in proportion to the lands sold.

THE AGRICULTURAL AND MECHANICAL COLLEGE—THE LUNATIC ASYLUM, AND THE BLIND AND DEAF AND DUMB INSTITUTES.

These are state institutions that have been erected at considerable cost, and are in a state of incompleteness with reference to the objects to which they are devoted. Learning that to be the case, I have procured reports from those respectively in control of them, in order that they might speak for themselves in representing to your honorable bodies what they respectively deem necessary to the efficiency of these institutions. I respectfully invite your attention to these reports.

As to the college, I think that the law prescribing that the annual interest of the fund donated by the United States, now amounting to about \$14,000 be applied to the compensation alone of the "directors, professors and officers" of the college, should be repealed, and authority be given by law to directors to apply a part of that interest at least more specifically to the main objects for which the donation was made which is defined by our constitution to be learning in agriculture and the mechanical arts, and the natural sciences connected therewith. The institution is evidently incomplete in that respect. It is incomplete also in the absence of other improvements, and a library and apparatus to fit it for the objects of its institution.

As to the asylums, as they are styled in the constitution, surely there



is a very high obligation on the state to provide the means of taking care of every indigent insane person in the state, and to receive into the Blind and Deaf and Dumb schools every person in the state that needs and requires the benefit of those institutions. As the state has founded them and advanced thus far with them, as in the case of the Agricultural and Mechanical College, it would seem proper that they should be brought to a completeness sufficiently to answer the objects, in a reasonable degree, of their foundation. It is certainly within the capacity of the state to do this in an economical way, and then it can more vigorously devote its attention to the promotion of other objects of useful improvements. It is a great drawback to an object of interest to be left to drag along in inefficiency, when a small amount compared with that which has already been bestowed to start it, would finish it according to the original design. It is upon such consideration that I have thought proper now to invite your attention to these institutions.

Reports of the adjutant general and of the commissioner of the general land office, and herewith submitted for your consideration, and which fully explains the objects of their being presented.

In these reports, as well as in those of the state institutions, you will find descriptions of things that are useless or defective, and should be disposed of; and they are thus brought to your attention to induce the passage of a law for the appointment of boards of inspection when necessary to have such property condemned and disposed of.

#### ADDITIONAL APPROPRIATIONS.

There are additional appropriations which I will recommend, amounting, as now ascertained, to \$86,000 on the regular appropriations, and to \$115,000 on the deficiency appropriation, passed at the regular session of the Legislature, which I will itemize and explain the propriety of in another message.

The money for the payment of interest on the public debt at the proper time, and that for the annual sinking fund, is in the state treasury awaiting your appropriation, which I respectfully recommend. I also respectfully recommend, not as a mere formality, but as a means of indicating what I regard as my official duty, to recommend that whatever amount can be safely spared, after the necessary expenses are certainly provided for carrying on the government economically and efficiently administered, and a reasonable provision for the public institutions, be appropriated for the support and maintenance of the public free schools.

O. M. ROBERTS, *Governor.*

#### STATE FINANCES.

##### EXTRACTS FROM REPORT OF HON. STEPHEN H. DARDEN, COMPTROLLER, FOR 1876.

By reference to the table giving a statement of the public debt, it will be observed that the receipts from revenue have not been sufficient to meet the expenses of the government during the fiscal year just ended; and there are now warrants unpaid amounting to \$212,034 57, notwithstanding every effort has been made to enforce the prompt collection and payment into the treasury of the taxes assessed.

The receipts from ordinary sources of revenue during the fiscal year ending August 31, 1876, with balance on hand at the close of the last fiscal year, exclusive of transfers to special accounts, were \$997,992 85.

Warrants drawn on the treasury during the fiscal year, including \$20,023 99 unpaid at the close of the last year, amount to \$1,346,377 16, showing a deficit in receipts of \$348,384 31, of which \$136,349 74 was paid out of the proceeds of the sale of bonds under act of July 6, 1876, leaving warrants unpaid August 31, 1876, \$212,034 57. In addition to this amount there is a large number of claims of sheriffs, clerks and attorneys for which warrants have not been drawn, the appropriation made for their payment by the last Legislature having been exhausted. These claims accrued in the courts of the several counties of the state, and this office has no means of determining the exact amount.

It is estimated that the deficiency each year about equals the amount of uncollected taxes, which is large, because we have had no laws by which forced collections could be made of taxes due on lands. To meet the expenses of the government would require the collection of the whole tax assessed, leaving no margin for delinquents and insolvents; and even then, there would be little or no balance after meeting all legitimate demands upon the treasury. The records show that the close of each fiscal year since 1870 has found in the hands of our people warrants on the treasury unpaid. To meet this deficiency, the state has resorted to the sale of bonds, thereby increasing the expenses to the amount of the interest on the bonds sold without levying additional taxes; in effect, demanding that the tax, which was before insufficient, should sustain still greater expenditures, and as a consequence there has been a deficit every year.

Any increase in expenditures should be followed by an increase in available resources.

In view of the fertility of our soil, its adaptation to the pursuit of almost every industry, and the large immigration to our state, it has been vainly hoped that the increase in taxable values would furnish sufficient means, at our present rate of taxation, to carry on the government on a cash basis; but statistics show that we cannot look to this source for a sufficient increase in the revenues.

Our taxable property for 1872 was \$207,920,526; for 1873 it was \$233,410,920; for 1874, \$244,510,558; for 1875, \$250,853,759; for 1876, \$257,632,009; which shows that, up to this time, expectations in that direction have not been realized. By placing upon the assessment roll each year all unrendered lands, the taxable values may be considerably increased; but the amount of revenue to be derived from this character of assessment cannot be accurately estimated.

The question is often asked why it is that we cannot return to the economy of former years, when the expenses were small and taxes low. We can better answer such questions by referring to the official records of this department. The facts are that for no year from the time of the organization of the state government in 1846 up to the beginning of the late war in 1861 were the receipts from taxation sufficient to meet the expenses of the government; but invariably other means were resorted to in order to meet the deficit.

Beginning with the fiscal years 1846-47, quoting from the report of Hon. James B. Shaw, then comptroller, we find: "Since the organization of the state government to the thirty-first of October last, the actual cash receipts from state revenue have only been, exclusive of the reservation for school purposes, \$25,970 90, while the expenses during the same period amount to \$112,033 98, leaving a balance against the cash receipts of \$59,063 08; but, allowing all state taxes that have been assessed and become due on the thirty-first of October last to have been received at the treasury, still the expenditures have overrun the receipts \$31,525 45."

The deficit for those years was met by revenue which had accrued under the laws of the late republic.

Quoting again from the comptroller's report for the next two succeeding fiscal years, 1848-49, it is found: "The actual cash receipts from the reve-

nues of the state since its organization, it is true, have not been equal to the expenditures. the total net receipts from that time and to the thirty-first of October, 1849, are \$253,555 30, and the expenditures are \$310,347 40. showing a deficit in the receipts to the amount of \$56,792 10."

An examination of this report further shows that this deficit was also supplied by revenues which had accrued under the laws of the late republic.

Referring to the next report of the comptroller, embracing the years 1850-51, we find: "Had the contingency not occurred, rendering these two extra sessions of the Legislature necessary, the means arising from taxation even under the present reduced rates, would have been ample to have met the wants of the treasury independent of any resort to means from any other source."

The means resorted to, to meet this embarrassment, was a transfer from the school fund by an act approved December 2, 1850, and the further use of revenues that accrued under the laws of the late republic.

From 1852 to 1858 no tax was collected for the support of the state government. Nine-tenths of the taxes assessed were remitted to the several counties, and the remaining tenth was paid into the treasury for school purposes. The expenses of the government for those years were paid from the taxes which had accrued prior to 1852, and from the proceeds of the sale of a portion of the territory of the state to the United States government. Of the proceeds of this sale, \$5,000,000 in United States bonds was paid into the state treasury in February, 1852; and up to January, 1861, the state received interest on the same amounting to \$1,625,441 17, making the total amount of principal and interest, \$6,625,441 17. Of this sum, \$36,000 was transferred to the school fund by act of February 16, 1852, to reimburse that fund for state bonds destroyed. By the act of January 31, 1854, \$2,000,000 was donated to the school fund; and at subsequent dates, premium and interest were paid to that fund amounting to \$653,619 53. By act of February 11, 1858, \$100,000 was transferred to the state university fund, and interest paid on the same up to January, 1861, amounting to \$9,472 26. In payment of the debt of the republic, \$1,425,295 85 was expended, and the remaining \$2,400,953 53, together with the premium derived from the sale of the bonds, was used for the general expenses of the government from 1852 to 1861.

By again referring to the comptroller's report, we find that for the years 1858 and 1859, the receipts from taxation were not sufficient to meet the expenses of the state government, and United States bonds were expended, amounting to \$443,000.

The comptroller's reports for succeeding years, 1860-61, further show that to meet the expenses for those years the remainder of the United States bonds belonging to the general revenue was used, and in addition thereto \$100,000 was transferred from the state university fund.

From the above facts, taken from the official reports of the comptroller, it appears that the receipts from taxation from 1846 to the beginning of the late war were not sufficient to meet the expenditures of the government, and that resources not derived from taxation were used. These resources fortunately were ample, and relieved the necessity for greater taxation.

No allusion is made to our finances during the war, as they were controlled by extraordinary emergencies, and the facts and peculiar policy of the times furnish to us no useful data.

The first report after the war embraces from October 13, 1865, to June 30, 1866, and shows that the expenses of the government during that time were paid in part by the proceeds of the sale of bonds belonging to the school fund.

From 1867 to 1870 the state was in the hands of the military authorities and a tax was collected sufficient to defray the expenses of the provisional government.

From the restoration of the civil government in 1870, up to the present time, the receipts from taxation have not been sufficient to meet the expenses of the government, and this deficit has been met by the sale of bonds, relieving the embarrassment for the time, but giving no permanent relief.

The causes which are now operating to produce an unfavorable condition of our finances, existed before the war, and produced like results, which were relieved by the use of the extraordinary means above alluded to, not derived from taxation.

Fortunately, the state then had in her treasury ample funds, exclusive of the revenues derived from taxation, to meet any deficiency that might occur; whereas, those funds being now exhausted, we must look to other sources for the means to supply our deficits.

The use, before the war, of other means, obviating the necessity for greater taxation, and thus leaving the government but a light burden upon the people, naturally induces an unfavorable impression in the public mind of the management of our financial affairs now, as compared with the management in former years. Our present financial status is the legitimate outgrowth of defects that have long existed: that is, that taxation has not yielded a sufficient amount of revenue to meet the appropriations made for the support of the government.

In 1858 and 1859, with a population of 600,000, one-third of which was negro and no expense to the government, with light expenditures for the support of the judiciary, no interest to pay on the public debt, the expense of frontier protection small in comparison to what it now is, expenses of legislation light as contrasted with the necessities of the present time, and a system of public free schools requiring only one tenth of the public revenue, we find the taxable values of the two years amounting to \$417,990,084. Upon the assessment of each year a tax of one-eighth of one per cent. was levied, aggregating for the two years \$527,097 55, which was about sixty-six cents per capita to the white population for each year.

This tax, as has been shown, was not sufficient for the government at that time, and in February, 1860, \$134,472 26 of the state university fund was used to meet deficiencies.

In 1875 our population was about 1,250,000—more than double that of 1859; the length of our frontier greatly extended: the cost of our judiciary largely increased; the expenses attending the administration of justice many times greater than at any period before the war; an annual interest to pay on the public debt almost equal to the expenditures for the support of the government for 1858 and 1859, and the support of a system of public free schools which required one-fourth of the revenues; yet, in 1875, we find that our taxable values had not increased in any proportion commensurate with the growth of the state and the demands upon the government.

The value of the taxable property of the state in 1875 was \$250,853,759, upon which an *ad valorem* tax was levied amounting to \$1,254,268 99, or say one dollar per capita to our population; but, although our expenses are many times greater, the increase in the value of taxable property has been insignificant.

It may be objected that the taxes are now four times as great as the taxes levied in 1859. This is true; but the expense of the government has increased in much greater proportion. In 1859 a tax of one-eighth of one per cent., in addition to the poll tax, was levied for the current expenses of the government, one-tenth of which, about equal to the poll taxes, was set apart for school purposes, leaving one-eighth of one per cent. for the support of the government, which, as has been shown, was insufficient. For 1875 the tax was one-half of one per cent., one-fourth of which was set apart for school purposes, leaving three-eighth of one per cent. for the support of the government, or three times as much for 1875 as for 1859.

In 1859 the value of taxable property amounted to \$224,335,266. The amount of appropriations for that year, \$332,090. In 1875 the value of taxable property was \$250,858,759. The amount of appropriations for that year was \$1,282,855, which amount did not include the expenses of the legislature: from which it will be seen that, while our taxes for 1875 were three times as great as for 1859, yet our expenses for 1875 were much more than three times as great as the expenses for 1859: yet, with this increase in the expenses of the government, we find from statistics accurately taken that there was no corresponding increase in the values of taxable property.

The state should adopt such policy as will secure immediate and prompt payment at her treasury of all legitimate claims held against her. Warrants should never be permitted to leave the treasury building for want of funds to pay them. While we consider the interest on our bonds a sacred obligation, which should be paid at maturity, we should also consider warrants on the treasury, held by our own people, as obligations equally as sacred, and demanding from the state equally prompt payment.

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ESTIMATE OF RECEIPTS AND EXPENDITURES FOR THE FISCAL YEAR ENDING AUGUST 31, 1877.

Ad valorem tax on \$260,000,000, the assessment for 1876 .....	\$1,300,000 00	
Occupation tax .....	350,000 00	
Receipts from uncollected taxes for 1875 and prior years .....	250,000 00	
Office fees from the several departments .....	75,000 00	
	<u>\$1,975,000 00</u>	
Deduct 5 per cent for collecting .....	\$88,750 00	
Deduct 5 per cent. for assessing .....	65,000 00	
Deduct 10 per cent. of assessments for delinquents and insolvents .....	130,000 00	
	<u>283,750 00</u>	
Total receipts .....	\$1,691,250 00	
Deduct one-fourth for school purposes .....	422,812 00	
Available for expenses of government .....	<u>\$1,268,438 00</u>	
Appropriations made for 1877 .....	\$1,264,922 00	
Undrawn deficiency appropriation for 1876 .....	91,770 00	
Warrants unpaid August 31, 1876 .....	212,034 57	
	<u>\$1,568,726 57</u>	
Total available receipts .....	<u>1,268,438 00</u>	
Estimated deficiencies for the year ending August 31, 1877 .....		\$300,288 57
* * * * *		* * *

AUTHENTIC REVIEW OF THE CONDITION OF THE STATE FINANCES IN 1876, BY  
GOV. RICHARD COKE.

HOUSTON, Nov. 10, 1876.

*Gov. Richard Coke, Austin:*

DEAR SIR—The time for your retirement from the executive office of Texas being near, it would be gratifying to your friends to have an authentic review of your administration as regards the state finances that it may be known what foundation in fact there may be for the many disparaging statements that have been made from time to time by news-

papers and others known to be hostile to you. The points upon which information is most desired are:

1. The condition of the state finances at the time of your inauguration, the amount of the debt at that time, the increase since, and the cause of the increase.

2. The amount of bonds authorized to be issued by the Legislature, the disposition made of them, and the purposes to which the proceeds have been or are to be applied.

3. The condition of the school fund, the effect upon it of recent legislation and your management, and the safety of the securities in which it is invested.

4. The cause of the recent depreciation of state treasury warrants, and what reason there is to hope for an early improvement.

I am aware that full information on all these matters could be obtained by application to the departments, but no one is so familiar with them all as yourself, and no statement from any one else would serve so effectually to correct the misapprehension now existing caused by persistent misrepresentation. I hope, therefore, that you will gratify your friends by furnishing me for publication a full statement of all matters pertaining to the state's finances. Very respectfully. A. C. GRAY.

EXECUTIVE OFFICE, AUSTIN, November 27, 1876.

*My Dear Sir*—Yours of the tenth reached me in good time, and affords, on the eve of my retirement from the executive office, an opportunity, not undesired, of giving a statement of the financial condition of the state, and thereby of correcting errors and misapprehensions which are believed to exist in the minds of many intelligent and otherwise well informed persons. While the subject is more important to the citizens and taxpayers than perhaps any other under the state administration, it is generally the least understood, and consequently more liable than any other to be successfully misrepresented and erroneously regarded. Dry statistical details and labyrinths of figures present a field in which is to be found neither recreation nor amusement, and therefore not inviting to the average reader. Persons generally prefer to accept as true the conclusions of others on this subject rather than undergo the labor of examining for themselves. Errors which a little investigation would make patent to the plainest understanding are as frequently perpetuated, and good men, meaning to be right, are misled. While I do not hope to relieve the subject of its unattractiveness in what I shall say, the facts stated and the figures used will be sustained and verified by the records of the comptroller's office, from which they are taken.

When the existing administration was inaugurated in January, 1874, the treasury was empty, the state was without credit, and involved in a large and undefined debt. I say undefined, because a knowledge of its amount could be derived from no report of the outgoing heads of departments, and had to be arrived at by the slow process of groping through a confused mass of records, and the developments of time. The Legislature being in session, and greatly hindered in its labors for want of information on this subject, the new comptroller (Hon. S. H. Darden), submitted to the executive a report, in which he estimated the public debt at \$2,248,831 75, and upon this estimate, on the tenth day of February, 1874, I sent to the Fourteenth Legislature my first message on finance. The exigency demanded that one of three things be done: either to levy a tax sufficient to pay the debt, sell bonds sufficient to pay it, or fund the debt by issuing bonds to the holders of it, at par. Of the three modes, the levy of the tax sufficient to pay the debt, in addition to the tax required to support the government, could not be thought of, as the people were not able to bear it, and its collection would have been oppressive even if practicable. Between the other two, I earnestly advised against the sale of bonds, as involving a heavy loss to the state in the sacrifice

necessary to be made in order to sell them in the then condition of the state's credit, and recommended strongly that the debt be funded by issuing bonds at par to the holder. My recommendations were overruled, and the Legislature passed an act providing for the issuance and sale of one million dollars of bonds, bearing seven per cent. interest and maturing in thirty years. These are the bonds, with others issued under the administration of my predecessor, which were so ably handled by Col. Moody, and under difficulties which seemed insurmountable, were so satisfactorily sold. Which of the two plans was the wiser it would be useless now to discuss. The loss sustained by the state in the discount on the bonds, and the commissions on the sale would certainly have been saved had my recommendations been adopted.

But to recur to the comptroller's first report and estimate of the public debt. His office was simply abandoned by his predecessor, as were all the offices of the executive department, and like the others presented more the appearance of a sacked camp in its confusion than that of a bureau of government, methodically kept and regularly delivered over to a lawful successor. With such aids as he could get and the light derived from an investigation of the tangled mass of records, hurriedly made for the information of the Legislature, who were impatiently awaiting his report, the comptroller reported and estimated the public debt as above given, within two weeks after his installation. Debt then in existence, not included in that report, nor shown by any record in the office, has constantly been coming to light, and to this day claims against the state originating anterior to January 15, 1874, are frequently being presented. Besides the pensions to "Texas veterans," amounting to \$1,153,261, had, by an act of the Twelfth Legislature, been established as legal claims against the state, the evidences of which, in bonds and certificates, were not issued at that time, nor until authorized by an act of the Fourteenth Legislature.

Time has more fully developed the truth with reference to the public debt, and the subjoined official statement of the comptroller, who speaks now from vouchers on file in his office, establishes the fact that on the thirty-first day of August, 1876, it amounted to \$5,210,073 95, and that all of it was existing debt on the fifteenth of January, 1874, when the present administration came into power, as far as can be ascertained by "careful investigation," except \$794,978 50, which represents the increase of the public debt under the present administration. Why this increase? I refer again to the comptroller's statement accompanying this. He shows that \$718,142 19 by the end of the present fiscal year will have been paid for frontier defense, militia service by McNelly's company, etc., since the fourteenth of January, 1874, out of the ordinary current revenue. It will be found true, upon an examination of the records, that both before and since the war the invariable practice has been, up to the assembling of the Thirteenth Legislature, to make special provision for payment for frontier defense, and not to charge the expense upon the ordinary revenues collected to maintain the government, as has been done for three years past. This has always heretofore been regarded as an extraordinary expense, and special provision made to raise funds to meet it. Under Governor Davis' administration the frontier defense bonds, now a part of the public debt, were issued, and a special tax was collected to pay the interest on such of them as were sold by him. Before the war the United States bonds in the treasury were frequently used for that purpose.

Again, the comptroller's statement shows that by the end of the current fiscal year \$1,152,920 02 will have been paid as interest on the public debt since the incoming of the present administration. This public debt has, for the most part, been defined and placed in interest-bearing shape since January 15, 1864, four-fifth of it paying no interest before that time. The comptroller's statement shows for the fiscal year ending August 31, 1873, a payment of \$75,745 97, but no sinking fund set apart.

Again, the comptroller's statement shows that there has been expended on the Agricultural College \$131,355 95, and for building an addition to the Lunatic Asylum forty thousand dollars, and for purchase of ground for Blind Asylum \$3500, and I will add, though not mentioned by the comptroller, appropriation of forty thousand dollars for the eastern penitentiary and twenty thousand dollars for the Agricultural College for colored youth, all extraordinary expenses. These items aggregate \$2,105,918 16, and that part, being more than half, which goes to the payment of interest on the public debt is almost a new item of expense, borne by no other administration, while the cost of enforcement of the criminal laws in sheriffs' district attorneys and clerks' fees in felony convictions paid by the state, and the mileage and cost of guards for transporting convicts to Huntsville has also been exceptionally heavy, as the unprecedented monthly average of convicts sent to the penitentiary will show; yet the public debt has been increased only \$794,978 50. The expenditure for frontier defense alone nearly equals this increase. In addition to all of this, from the fifteenth of January, 1874, to the twenty-first of August, 1876, a period of two years, seven months and six days, there have been three long sessions of the Legislature and one long session of a constitutional convention—a greater number of such bodies than were ever before held in so short a time in Texas or anywhere else, each one involving a heavy expense to the state, which has been borne by the ordinary revenues.

It will be observed that several of the items of expense enumerated will not have been fully incurred until the end of the present fiscal year, at which time there may be, on account of deficiencies of revenue, such an increase of the public debt as will raise the present increase of \$794,978 50 up to one million dollars; but if this shall prove true, there will still be more than one million of dollars of the extraordinary expenses referred to, that have been paid out of the ordinary current revenues collected for support of the government, which, if not diverted to other purposes, would have prevented any increase of the public debt, and left a surplus in the treasury.

Has there been any extravagance, any waste, squandering or misapplication of public money? Nothing of the sort has ever been charged, so far as I have heard; on the contrary, the administration has been freely denounced for its alleged parsimony. The appropriations generally have been charged to be insufficient, and the legislatures making them with being penurious. It is an undeniable fact, proved by the record of appropriations, that since the incoming of the present administration the expense of every branch of the public service has been retrenched. The cost of administering the Lunatic Asylum has been reduced to a small fraction over one-fourth what it was; of the deaf and dumb and blind asylums to about half what it was; of public printing to less than one-fourth what it was; the land office has been made nearly or quite self-supporting, and the salaries of all officers of the government, in all its departments—legislative, judicial and executive—and of all clerks and employes, have been largely reduced.

I have before me a statement of the entire revenue for 1876, certified by the comptroller, for my information, as follows:

Assessment for 1876, \$260,000,000.	
Ad valorem tax on assessments one-half of one per cent. ....	\$1,300 000
Occupation tax .....	350,000
Collection of taxes for former years .....	250,000
Office fees of several departments .....	75,000
	<u>\$1,975,000</u>
Deduct five per cent. for collecting .....	\$88,750
Deduct five per cent. for assessing .....	65,000
Deduct ten per cent. for delinquents and insolvents ....	130,000—
	<u>283,750</u>
Total receipts .....	<u>\$1,691,250</u>



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Deduct one-fourth for common schools.....	422,812
Entire net revenue for one year.....	\$1,268,438

Turning to the appropriations for this year, I will aggregate a few of the items of extraordinary expense to be made, viz:

For frontier protection.....	\$150,000
For the annual interest on public debt .....	300,000
Sinking fund on debt.....	100,000
To pay and subsist McNelly's company six months.....	40,000
To complete agricultural college.....	40,000
To build agricultural college for colored youths.....	20,000
First installment on construction of eastern penitentiary.....	40,000
	<hr/>
	\$780,000

Now deduct the aggregate of these items from the amount of the net revenue, and the balance, \$488,438 only, is left with which to defray all the operating and incidental expenses of the government. It will be borne in mind that the assessment for 1876 is the largest ever made, exceeding that of 1875 by ten million dollars, and that of 1874 by sixteen million dollars, and consequently that the revenue is proportionately greater, while during each of the preceding years, items of what I denominate extraordinary expenses were nearly or quite equal to those enumerated for this year: for instance, in 1874, the appropriations for frontier defense alone were three hundred thousand dollars. With such burdens upon the government, is it wonderful that there has been a small increase of the public debt? Is it not more wonderful that the increase has not been greater? The inquiry naturally arises, when the maximum rate of taxation allowed by the constitution, one-half of one per cent. ad valorem, is now and has for years past been levied and collected, how can we get along in view of the past deficiencies of revenue? This inquiry is best answered by referring to the old law for the assessment and collection of taxes, and the new revenue system enacted by the Fourteenth Legislature. Under the old law, it is my conviction that one-third of the property and values in the state escaped taxation. The comptroller reports thirty million acres of unrendered lands that he knows of, and it would be safe to say there is double that much. Yet the number of acres reported assessed at one dollar per acre, would bring one hundred and fifty thousand dollars, which is equal to half of the annual deficiency of revenue. The provisions of the old constitution were such as rendered it utterly impracticable to coerce the payment of taxes on land: such payments were almost purely voluntary. There was no mode under the old law of compelling a just valuation of property, and the system of collection was extremely defective. It is my opinion, shared by all conversant with the subject, that at a reasonable moderate estimate the assessment of property in the state should at least reach three hundred and twenty-five million dollars. Yet the highest figure yet reached, being the assessment for 1876, is two hundred and sixty million dollars.

The new revenue system seems to be a most admirable one. Trial may develop defects not now apparent in it, but it must be vastly more efficient than the old one. The new constitution permits features of vital importance in its structure which were forbidden by the old constitution. The governor of Kentucky informs the Legislature, in one of his recent messages, that the assessment of property in that state for 1875, a year of financial stagnation and depression, showed an increase of eight per cent. over the preceding year. In Texas the assessment for 1874 was an increase of over nine and very nearly ten per cent. over that of 1873. Fifteen and a fourth per cent. increase over the last assessment will bring the next up to three hundred million dollars. Can we not expect, legitimately and reasonably, that the natural per cent of increase and the

superior efficiency of our new revenue system combined, will bring our assessment for 1877, up to that amount? It ought to go twenty-five million dollars above that, especially as the assessors will have the benefit of an abstract of land titles now nearly completed in the land office, which will enable them to place every acre of land in their respective counties on their rolls. If our next assessment reaches three hundred million dollars, as I think it unquestionably will, at least the increase will add two hundred thousand dollars to our revenues. A law of the last Legislature requires the collection of an additional poll tax for revenue purposes, which will produce at least two hundred thousand dollars more. A stringent law for the collection of unpaid taxes of former years, known as "back taxes," is a part of our new revenue system. This, it is believed, will produce an increase of at least two hundred thousand dollars. From these three sources, then, we may reasonably expect an increase of six hundred thousand dollars in our revenues for 1877.

The comptroller, in his statement herewith published, estimates the deficiencies of the current fiscal year at three hundred thousand dollars, which he says will be reduced to two hundred thousand dollars by the use of one hundred thousand dollars of bonds, being a part of the two hundred thousand dollars issued under an act of the last Legislature to supply deficiencies of revenue. If we estimate the increase of our revenues from the sources named at five hundred thousand dollars instead of six hundred thousand dollars, for the next fiscal year, it will pay the deficiency of this year, as estimated by the comptroller, and leave three hundred thousand dollars to supplement the revenues of the next, which will be abundant. We only need to be able to enter upon a fiscal year unburdened with the deficiencies of the preceding year, so that all the revenues may be devoted to the expenditures of that year, to be in a state of perfect financial health, and I believe that the revenues of 1877 will place us in that condition, provided the expense of another session of the Legislature is not added to our present burden. We derive no benefit from the new revenue system for this fiscal year, for the reason that the assessments were all made before the laws went into effect. I opposed the proposition attempted to be passed through the last Legislature to impose an additional tax, because of the stagnation of business, scarcity of money, and extreme depression of price of every product of the country, relied on to bring money, and because I believed it violative of the plain letter and spirit of the constitution. That instrument limits the taxing power of the Legislature to one-half of one per cent. for state purposes, enlarging it only on contingencies and to meet emergencies, none of which in my judgment then existed, and I believed that for the first Legislature under the constitution to transcend the prescribed limits upon a doubtful claim of right, or upon any other than a well defined emergency justifying it, would be the establishment of a precedent which would end in a virtual destruction of the barrier, enabling the Legislature ultimately to overstep it whenever their idea of policy or convenience should prompt it. It seemed to me to be the duty of the Legislature inexorably to reduce expenditures within the limits of the revenues allowed by the constitution, aided by the two hundred thousand dollars of bonds which the constitution authorized for that purpose, and which have been issued. That it could have been done without detriment, and but little inconvenience to the public service, I think there is no question. The comptroller, in his last report, gave an estimate of the expenses of the government, and recommended the issuance of these bonds to meet the deficiencies of revenue for the two years to elapse before another regular session of the Legislature would occur, deeming them sufficient for the purpose, in which I fully concurred.

This view was urged upon the Legislature in two messages—one sent to the Senate on the twentieth day of July, 1876, and the other to the House on the same day. One taking the ground that it was the duty of

the Legislature to refrain from appropriating one single dollar for state purposes more than the revenues allowed by the constitution would meet and pay, and the other urging the argument that as taxation for county purposes was limited by the constitution to one-fourth of one per cent., it was the duty of the Legislature to frame bills, regulate the pay of jurors, and the cost of maintaining prisoners, etc., so that county expenses would not exceed their revenues. Appropriations beyond the revenues allowed to be collected by the constitution for maintaining the government occurred to me then, and do now, as having been made in violation of plain and express provisions of that instrument. The general appropriation bill was passed by the Legislature under circumstances which deprived the executive of any discretion in his action upon it. It came into the executive office a very short time before the adjournment of the body, a bare quorum being present, when to have disapproved it would have necessitated the call of a special session immediately, with almost a certainty that no quorum could be gotten together until after the first of September, when all existing appropriations expired. Items in the bill might have been disapproved, but this would not have afforded a remedy; the bill throughout, with the exception of a few items, should have been scaled, which it was not in the power of the executive to do, he having to strike out entirely or permit items to stand as fixed in the bill. I could not, consistently with my views of constitutional duty, sign this bill, and was prevented by the circumstances mentioned, over which I had no control, from disapproving it, and it became a law by executive non-action.

The present depreciation of treasury warrants is not entirely due to deficiency in revenue, but arises very much from two causes, both temporary. One, that the treasurer is hoarding money to pay the January instalment of interest on the public debt; and the other, that the collectors of the counties, under provisions of the school law, are paying over to the county treasurers all the moneys collected until the *pro rata* of their respective counties in the available school fund shall have been received, and consequently very little money is coming into the treasury. These reasons will cease to exist on the first of January, when, by the use of the one hundred thousand dollars of deficiency bonds yet on hand, in aid of the funds coming into the treasury, the present discount will be greatly reduced. Until the adoption of the present constitution it had been the uniform practice for many years in the treasury to borrow from the special funds to bridge over temporary deficiencies of revenue, to be returned when revenue should come in. The privilege of using in this way one hundred thousand dollars of the five hundred thousand dollars of special funds now lying idle in the treasury would, without detriment to those funds, keep our warrants at par, but it is expressly forbidden in the constitution. The treasury labors this year under all the disadvantages of the old system, which passed away with the old constitution, and bears in addition the burden of the cost of the convention and Legislature which has inaugurated a new system, but receives none of its benefits. These will not be realized until the next fiscal year, and in the meantime some fluctuation in the value of our treasury warrants will occur, which, however, will be temporary, as the legislation is already on the statute book which will remedy it.

Replying to your inquiry as to the amount of bonds authorized to be issued by enactment of the last Legislature, and the disposition to be made of their proceeds when sold, I will state that on the 6th day of July last a bill was approved authorizing the issuance of bonds to the amount of \$1,675,000, payable in thirty years, and bearing six per cent. interest. The two hundred thousand dollars of bonds before referred to as having been issued to meet deficiencies of revenue for this and the next fiscal year are a part of that amount. The act also provides out of the proceeds of these bonds, \$42,721 29 to pay outstanding warrants on general

revenue. Except these two amounts, aggregating \$242,721 29, to come out of that issue, the bonds are specifically designed and appropriated for the payment of pre-existing debt, the great bulk of it bearing ten per cent. interest. In other words, the six per cent. bonds are to be substituted in place of ten per cent., thereby reducing our interest payments from ten down to six per cent. They not only add nothing to the public debt, but really diminish it by reducing the rate of interest on it. The issuance of these bonds was a measure of economy recommended by the comptroller and myself. Eight hundred and eighty-four thousand dollars of these bonds have been sold at par to the school fund, and the remainder, seven hundred and ninety-one thousand dollars, are on hand and not yet offered for sale. Two unsolicited offers have been received from New York for them at par, which have been declined for two reasons—first, because the ten per cent. bonds they are designed to call in are not payable at the option of the state until after July, 1877, and, if sold now, the state would pay interest on both sets of bonds, while the money would be idle in the treasury; and second, because the bonds put on the market by a competent agent would bring at least 106 cents on the dollar. I am informed by reliable and able financial gentlemen in New York that our seven per cent. bonds, in the hands of those who purchased for investment, can not be bought for 112 cents on the dollar, and that our new six per cent. will, properly handled, command a handsome premium. That we are able to call in ten per cent. bonds with six per cent. on such terms is certainly a gratifying evidence of improvement of our state credit.

The permanent school fund, since I came into office, has been increased from two other than the usual sources. First, by the recovery of the United States bonds belonging to that fund, unlawfully taken from the treasury during the war and disposed of in Europe. I found in the executive office evidence of two contracts—one made by Gov. Throckmorton, which bound the state to pay a contingent fee of 25 per cent. on the amount of the bonds or their proceeds recovered, and one by Gov. Davis, to pay a contingent fee of 20 per cent. The contracts were made with different parties. A correspondence with Messrs. Merrick & Durant, who were working under Gov. Davis' contract, convinced me that after the bonds had been out of possession of the state some thirteen years, and attorneys had been vainly endeavoring for ten years to recover them, and the prospect of success being as remote as ever, some other method must be adopted, or the state would suffer a total loss of the bonds, and I believe that the only method promising success was to send an agent direct to Europe. Having no appropriation with which to pay either fees or traveling expenses, I had to find an agent who was able and willing to go for an entirely contingent fee and pay his own expenses, taking the risk of receiving nothing in reimbursement if he failed to recover the bonds. Upon these terms Col. D. C. Giddings finally consented to go, and after a preparation of some twelve months getting up the necessary papers and evidences did go, and was successful in recovering the bonds and their proceeds, which, when converted into currency, amounted to \$339,240 12, which he brought to Austin and paid over to me. I paid to Col. Giddings \$31,216 42, and to Messrs. Merrick & Durant \$8000 for their services, having first tendered to the latter gentlemen a reference of the matter, as to compensation for their services, to the Legislature, which they declined, preferring to accept the \$8000, for which their receipt is on file in the treasury, acknowledging the amount to be in full for all services rendered in and about the matter.

If these bonds had been recovered under the Throckmorton contract, the fee to be paid would have been \$84,810 03. If they had been recovered under the Davis contract, it would have been \$67,848 02. For ten years, with such tempting inducements, the attorneys employed had utterly failed, and now, under the contract with Col. Giddings, the

money is in the treasury, at a cost to the state in attorney's fees of \$39, 216 42, and full receipts and acquittances from all the attorneys on file. These facts are thus specially stated because of the very industrious effort made in the recent canvass to misrepresent them. But to return: By the recovery of these bonds the permanent school fund has been increased \$297,758 22 net; which, invested in state six per cent. bonds, yields an annual interest of \$17,865 69. The new constitution requires the school fund invested either in United States or Texas state bonds. The board of education, to whom the subject is committed, composed of the governor, comptroller and secretary of state, preferred, because of the higher rate of interest and equal safety, to invest in Texas bonds. Accordingly, the United States bonds belonging to the fund were sold at a premium which, upon the whole lot, netted \$81,741 28, which is an increase of the permanent fund, and will yield an annual interest of \$4904 47. Thus it is seen that while the entire fund has been reinvested at an increased rate of interest, a positive addition from the two sources named of \$379,499 50, bearing an annual interest of \$22,770 16, has been made to it. It has so happened that the United States bonds sold have been called to the treasury for payment on the first of December, 1876, and if the board had held them, only their face amount would have been received, and the best United States bonds in which the money could have been invested would have been one bearing four and one-half per cent interest. We had to choose for investment between Texas state six per cents, and United States four and a half per cents., and preferred the former. Is it safely invested? Let the people of Texas, whose sacred fund it is, and whose honor, faith and credit are pledged to meet these bonds, answer. Not one dollar of the school fund has been diverted or touched for any other purpose than to change its investment and increase its productiveness. So far from it, while by the constitution and laws one-fourth of the general revenue is devoted annually to the maintenance of public schools, a larger proportion than that goes in fact to that fund in this; that the available school fund is imperatively required to be expended for the maintenance of the schools during the scholastic year in which it arises. It cannot be used to pay deficiencies, or school debts of a preceding year. When the cost, of the school machinery exceeded the available school fund in any year in a way that was not purely local in some school district, under the old law the excess became a debt against the state, to be paid out of the general revenues, and such liabilities have been annually provided for and have been a heavy burden. The present administration had to provide for the payment of about five hundred thousand dollars earned by school teachers prior to July, 1873. Of course the school fund was not used for that purpose. This subject was brought prominently to the notice of the Fifteenth Legislature in the governor's message, and the new school law is believed to have provided effectually against the creation of such deficiencies.

I have given you a rapid and hasty, if not brief, review of the financial situation, based upon figures and statements furnished for the most part by the comptroller, as his letter will show, which are believed to be entirely accurate and reliable. My deductions and conclusions, of course, must undergo the criticism of the reader and stand on their own merits. A careful perusal, I think, will show some of the difficulties under which the administration has labored, not only as regards the finances, but as to other measures, for which there has been an apparent popular demand, which would have involved heavy expenditures and largely increased taxation.

Very respectfully,

RICHARD COKE.

To A. C. Gray, Esq., Houston, Texas.

COMPTROLLER'S OFFICE, AUSTIN, November 13, 1876.

*To his excellency Richard Coke, Governor:*

SIR In response to yours of this date, requesting replies to sundry interrogatories, I have the honor to hand you the following:

1. The public debt of the state, at the close of the fiscal year ending August 31, 1876, exclusive of the debt reported as of doubtful validity, amounted to \$5,210,073 95.

2. Of the present indebtedness of the state, there has been incurred since January 15, 1874, as nearly as can be ascertained from careful investigation, \$794,978 50, arising principally from expenditures of current funds for frontier protection.

3. The amount of interest paid on the public debt since January 15, 1874, including the appropriation made for the current fiscal year, is \$1,152,920 02.

4. The amount of interest paid on the public debt for the fiscal year ending August 31, 1873, was \$75,745 97.

5. The permanent school fund has been increased by the action of the board of education, under the provisions of the constitution and enactments of the Legislature. There was in the state treasury belonging to the permanent school fund, United States bonds amounting to \$474,850, which, by authority of an act of the Fifteenth Legislature, were sold by the board of education for \$556,591 28, thereby realizing a net increase to the interest-bearing capital of the school fund \$81,741 28. In addition to this, the cash in the treasury belonging to the school fund, say \$375,640, which, invested in United States bonds, as required by the old constitution, would have brought to the school fund, at current prices for United States bonds, \$323,827, has been invested in state bonds at par, giving the school fund say \$375,640, a gain on both transactions of \$133,554 28 interest-bearing capital. The interest on the increased capital thus obtained will amount annually to \$8,013 25. Of the \$474,850 United States bonds belonging to the school fund, \$357,550 bore interest at the rate of five per cent. per annum, and the remaining \$107,300 bore interest at the rate of six per cent. per annum. Had they not been sold, the annual interest on the whole amount would have been \$24,915 50. Had the cash on hand been invested in United States six per cent. bonds at current prices, the annual interest on the sum obtained would have been \$19,429 62, giving the whole amount of interest derivable annually from the permanent school fund, \$44,345 12. The sale by the board of education of the United States bonds, and the investment of the proceeds and the cash in the treasury to the credit of the permanent school fund, has brought to that fund a capital of \$932,231 28, which yields an annual interest of \$55,933 87, an annual increase to the available school fund of \$11,588 75.

6. It is estimated that the deficiency of revenue for the current fiscal year will be three hundred thousand dollars.

7. The assessments on which the estimates of revenues for the current year are based will foot up, say, two hundred and sixty million dollars against \$250,853,759 for the last year. In estimating the deficiency in receipts for the current fiscal year, I have charged the receipts not only with the appropriation for the current fiscal year, but also with the deficiency appropriation made by the last Legislature and the warrants remaining unpaid on the thirty-first of August last, all of which must be met by the receipts of the current year. There is yet on hand one hundred thousand dollars deficiency bonds authorized by the Fifteenth Legislature, which, when sold, will reduce the estimated deficiency to two hundred thousand dollars. There has been paid since January 15, 1874, for frontier protection (including the appropriation for the current year) and for militia service, such as McNelly's company, etc., the sum of \$718,142 19. There has been paid for the Agricultural and Mechanical College, since January, 1874, including the appropriation for the current

year, \$131,355 95. There has been expended for addition to the Lunatic Asylum \$40,077 87, and for the purchase of grounds for the Blind Asylum \$3500. Very respectfully. STEPHEN H. DARDEN, Comptroller.

EXTRACT FROM REPORT OF GOVERNOR RICHARD B. HUBBARD TO SIXTEENTH LEGISLATURE.

In this connection I respectfully and especially call the attention of your honorable bodies to the estimates of appropriations reported to the executive by the heads of departments. The estimates furnished have been calculated for only eight months, from January 1, 1879, to August 31, 1879, and they aggregate \$806,485 60.

As a basis of calculation, the following would be the estimates required for an entire fiscal year, to wit:

Executive office.....	\$25,029 93
State department.....	8,622 49
Treasury department.....	9,279 87
Comptroller's office.....	31,949 95
General land office.....	59,449 86
Lunatic asylum.....	60,000 00
Institution for the blind.....	19,179 96
Institution for the deaf and dumb.....	17,866 95
Adjutant general's office, including appropriations for frontier defense.....	210,690 00
For conveying prisoners to penitentiary.....	30,000 00
Quarantine expenses.....	12,000 00
Pensions, old and new.....	106,800 00
Attorney general's office.....	9,699 96
Judiciary.....	209,159 82
Public buildings and grounds.....	2,049 96
Department insurance, statistics and history.....	8,949 93
Interest on public debt (annual).....	390,000 00

Total estimate for one year.....\$1,210,728 68

The entire state tax on the assessed taxable property for 1878, including ad valorem and the poll taxes, we have seen amounts to the sum of \$2,016,333 76. Of this amount only \$1,387,191 57 can be applied to current expenses, the remainder being for the support of public free schools. If the collectors of taxes fail to collect of this rendered and especially of this unrendered list, ten per cent. of the aggregate, we have also seen that but \$1,248,477 82 can be relied on with reasonable certainty.

From these figures we deduce the following brief statement:

Estimated net revenue on present assessments.....\$1,248,477 82

Estimated expenses of state government one year.....1,210,728 68

Excess of assessments.....\$37,749 14

Against which must be placed the estimated amount of assessors' and collectors' fees, to be deducted out of the aforesaid \$1,248,477 82, which fees, I am informed by the honorable comptroller, will be nearly \$200,000, of which general revenue will have to pay about.....140,000 00

Estimated deficiency.....\$102,250 86

Thus, if the estimates of the departments be adopted, and they are less than those for the year 1877 8, on the most liberal calculation that can be made, there will be at the close of the twelve months ending December 31, 1879, a deficiency of over \$100,000, and this, too, without any estimate for extraordinary appropriations, expenses of the Legislature, etc. On the other hand there should be placed against said deficiency, increased as it will be by the extraordinary expense above referred to,

such taxes as may be collected on tax lists prior to those of the current year.

The amount of back taxes that will so be collected it is impossible to state.

I respectfully call your attention to the fact that the estimates are in some instances too low. I do not refer to the estimates for salaries of officers or employes, but to those for transportation of prisoners and costs to be paid sheriffs, clerks, district and county attorneys, etc., and as now demanded by positive laws. The estimate, for instance, for transportation of prisoners is \$30,000, yet the actual reports show that the expenses for the transportation of convicts, in pursuance of the statutes, have cost the state annually more than that amount from fifty to sixty thousand dollars per annum.

There have heretofore been large deficiencies in the appropriations for clerks, district and county attorneys and sheriffs, all for services rendered in pursuance of the statutes.

The estimates for the present fiscal year make no allowance for much needed improvements in our institutions of public charity; for the early organization of the recently completed penitentiary at Rusk; for state colleges, or any extraordinary appropriation, as before intimated, which the Legislature in its wisdom may adopt. The conclusion is therefore inevitable that unless the expenses of the government are lessened the estimated revenues will fall far short of meeting the actual expenditures of the state.

#### LAND OFFICE REPORT.

GENERAL LAND OFFICE, AUSTIN, TEXAS. June 7, 1879.

*Hon. O. M. Roberts, Governor, etc.:*

SIR—In compliance with the request contained in yours of the fourth instant, that I would suggest what, if any, legislation is needed to expedite the taking out of patents issued by this office, I would say that I regard the act of March 25, 1879, to regulate the issuance and delivery of land patents and to secure the payment of fees due thereon, as incomplete.

The provision for collecting the fees is sufficient so far as the patents already issued at the passage of the act were concerned, but the regulating of the issuance of the patents referred to in the caption has been entirely omitted in the act itself. This, in view of previous statutes, is unfortunate. Prior to April, 1861, the statute law directed the commissioner to issue patents in the order in which they were filed in the general land office. This remained almost, if not entirely, a dead letter in the statute books until the administration of Hon. F. M. White, who revived and enforced it. This caused parties interested to secure the passage of the act of April, 1861, which permitted the commissioner to issue patents in the order in which application was made by the owners or agents. The Revised Statutes have omitted both acts, and there now exists no statutory guide for the commissioner—nothing but established custom, which would confine his action to those applied for. As there are many thousand claims in the office ready for patenting, but for patents on which the owners have not applied, and may never do so, as their land cannot be encroached upon, I would respectfully suggest that an act be passed making it the duty of the commissioner to patent each and every survey as soon as the same is ready for patenting, under the laws and regulations of the office. Such a law in connection with the act of March 25, 1870, would make the road clear for the commissioner, and would do more to reduce the force and expense of this department than any action which the Legislature could take.

There are now ready for delivery the following patents issued to rail-



road companies: Texas and Pacific railway company, 277 patents; Texas and New Orleans railroad company, 93 patents; Houston and Texas Central railroad company, 185 patents; total, 555 patents at \$6 each, \$3330. As will be seen it is not the number already issued, but the number ready for issuance, causes the complaint.

Permit me also to call attention to the law requiring the compilation annually of an abstract by this office for the use of assessors of taxes and the confusion and litigation resulting therefrom, to say nothing of the additional work thrown on this office and the comptroller's office. The law requires that all surveys returned to this office during each year shall be included in the abstract for that year without waiting for issuance of patent, or to ascertain whether it ever can be patented. Under this law thousands of surveys are reported on the abstract recently published, and each supplement will add many more annually, which have been forfeited, or being found in conflict, the certificate has been floated and located and patented elsewhere. Nevertheless, the survey is sold for taxes under the abstract law, although the land may have been covered and patented by a different certificate. Lands have also been sold under this system and bought in by the state, and subsequent to such sale a transfer is filed in this office from the owner who returned the survey, and the state, by letter patent, grants the land to such assignee. Complications without number are created, and already litigation has begun, I have no remedy to suggest, unless the commissioner, under the law, be authorized to patent all surveys found ready for patenting and place only such on the abstract. If this plan were adopted, a list of all certificates on file for which no patent had issued might be attached or furnished the comptroller in the name of the owner as shown by the papers on file in this office.

In reply to your inquiry as to useless furniture and material, I would say we have some old file cases, desks and carpeting which are simply in the way. There is also stowed away a large lot of drugs and chemicals formerly required in the photographic bureau, and now of no use. These, with the camera purchased for said bureau, some fourteen feet in length by five feet square, occupy the greater part of two rooms, and I am informed that fire has twice originated by the bursting of vials or bottles of these chemicals. The sooner these are disposed of the better.

I have the honor to be, very respectfully, etc.,

W. C. WALSH, *Commissioner*.

## DEAF AND DUMB ASYLUM REPORT.

INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB, {  
AUSTIN, TEXAS, May 31, 1879. }

*To his excellency O. M. Roberts, Governor of the State of Texas:*

In response to your letter of the twenty-ninth instant, calling for information with regard to the number of pupils, condition of property and wants of this institution, I respectfully submit the following report:

There are forty-eight pupils in the institution now.

There has been received and registered this session sixty-eight pupils. Five of these proved so defective, mentally, that they were sent home as unfit subjects for this institution. One died, two were expelled, and the time of five expires this session, making thirteen to be deducted from sixty-eight, which would leave fifty-five that should attend the next session, and as one of those expelled ought to return, and would be received if he was to apply, it would make fifty-six.

In addition to these, there are about twenty who have been from here

some time, that ought to return to school, and about fifteen that I have heard from in a reliable manner, who have never been here, that ought to attend the next session. This would give us ninety-one, but it is not probable that all of these would attend.

I have heard of several others, but as the information comes in an unreliable form, cannot say how many others there are; that there must be, and are, several more in the state, is morally certain, unless the proportion, according to population, differs in our state from any other.

I think it reasonable to expect seventy-five or eighty pupils next session, and from eighty to ninety the next, and possibly the number may run up to 100 in the next two years, and it would be better to provide for a few more than we have than have more than are provided for. So that I think it would be best to provide for 100.

To do this like it should be done to make everybody comfortable, and be creditable to the state, it will necessarily take a good deal of money—say about \$26,200 in addition to the \$2500 lately appropriated.

It would require \$5500 of this to complete the present unfinished new building in the manner contemplated by raising it one-story higher and putting up its towers, corridors, stairways, porch, galleries, etc.

Eight thousand dollars more to build a new dining-room, kitchen and chapel, all of which are necessary; the dining-room and chapel almost indispensable in case of any increase in the school over this session.

Our kitchen is good, and as good as we need now or hereafter, but when the new dining room is built where it is contemplated to put it, the kitchen will not be at the proper place, but suitably situated for other purposes, which are necessary.

Eight thousand dollars more to build the east wing of the building as contemplated in the original plan, which is intended for school rooms and boys' dormitories.

Fifteen hundred dollars more to be applied to raising the present printing office several feet higher, and making some additions to it, in order to make it meet the wants of the printing business.

One thousand dollars should be expended in repairing, painting, plastering and patching up the old buildings, cisterns, etc.

One thousand dollars will be necessary to furnish the new buildings and replace the old and worn out furniture, beds and bedding now on hand.

Twelve hundred dollars will be necessary to pay the Austin water works company, to lay the necessary pipes, etc., to supply the institution with water. And when it is remembered that without this we are entirely dependent upon cisterns for all our water for drinking, cooking, washing, bathing and stock, to say nothing of fire, this expenditure, to my mind, is indispensably necessary.

Should it be regarded as impracticable to expend this sum of money in one year on the institution, the construction of the east wing might be deferred to the second year, as it is practicable, or rather possible, to do without it for that length of time. This would leave the appropriation for buildings, repairs, furnishing water, etc., \$18,200. This \$26,200 or \$18,200, as it may be, is permanent.

The present appropriation provides for the payment of four teachers only, when it is indispensably necessary to employ five, and if the number of pupils should reach seventy-five or eighty, there ought to be six teachers at least.

The salary of the superintendent and the two first teachers, with a home in the institution, I think is very fair, and if the first teacher has his home in the institution, \$800 would be about in proportion to that of the second at \$600, and it was understood at the time the \$1000 allowance was made for the first teacher that his board and washing were not to be included, as the party then employed was keeping house.

The salaries of the matron, assistant matron and seamstress, the gardener and farmer, the driver and laborer, and the washing allowance, as well as the two last teachers (say third and fourth), are altogether too low, and it is impracticable to secure the services of such persons as we ought to have in our employment here for such compensation. We have these children to raise and train, as well as to educate, and as they are the most susceptible of evil influences of any persons I have ever managed, we should be careful to have no one in our employment in any department whose example or precepts were not good, and consequently none but good material ought to be employed about the institution in any department.

One additional teacher should be provided for with a salary of \$480 per annum, and the salaries of the third and fourth teachers, now provided for, should be increased to that amount, which would take \$240 annually.

The matron should be paid \$480 per annum, instead of \$360, and the assistant matron and seamstress \$420 per annum, instead of \$300. This would add \$240 per annum to the appropriation.

In addition to all that is understood by house-keeping in all its departments, these ladies are to be mothers to the children, attend closely to every want and interest when they are well, nurse and watch over them when they are sick. Train the girls in their habits, manners, conduct and deportment, and teach them in the domestic pursuits of life, and as they have especial charge of the girls except in the study and school hours, theirs is a life of close confinement and constant labor.

The gardener and farmer should be paid at least \$360 per annum, instead \$180, as now allowed. This \$180 is about the usual price paid for an ordinary field hand, while our gardener is supposed to be conversant with gardening and farming as a business, and should have some knowledge of horticulture, as it is a part, and probably the most important part of his business to train the male pupils in these pursuits. This would add \$180 annually to the present appropriation.

The driver and laborer should be paid at least \$240, if not \$300, per annum, if the one I have employed should be retained, as he has fine use of tools, does a good deal of our repairing in the carpenter and cabinet line, and could train our pupils in these branches of mechanism if we establish shops for that purpose; and should he not be retained, such a man as can be employed at \$150 per annum is not such a man as we should bring these mute boys in contact with in their training for life.

In addition to the duties already designated, the gardener and farmer and driver and laborer have charge of and perform all the duties of taking care of the hogs and feeding and milking the cows, except what assistance they get from some of the male pupils, who are required to aid them in the performance of the labor in teaching them how to perform such work when they leave the institution.

The \$300 allowance made for washing is unreasonably small, and the work cannot be done for any such sum of money, and in order to make

this department perfectly efficient and have such material employed in it as is necessary to bring in contact with our boys and girls, this allowance should be increased to \$500. There has been no allowance made for the payment of any additional labor in or outside of the house, indicating that the pupils are expected to perform all that is not especially provided for, when we need and must have the services of one woman in the dining room and one in scouring and cleaning up the house and attending to the bedding, etc., which will require an appropriation of \$360 per annum.

There should be an additional allowance of at least \$4000 for groceries, provisions and miscellaneous articles, and if the number of pupils should increase to eighty, an additional thousand dollars would be necessary in all probability.

Should my suggestions be accepted it will add to the present appropriations as follows:

Salary for one teacher.....	\$480 00
Increase for three and four teachers.....	240 00
Increase of salary of matrons.....	240 00
Increase of salary of gardener.....	180 00
Increase of salary of driver and laborer.....	90 00
Increase for washing and ironing.....	200 00
For two additional women in domestic department.....	360 00

Making an addition to annual appropriation of.....\$1,790 00

In order to do our duty by the mute boys of the institution we ought by all means to establish several mechanical shops, which would not cost much money if started on a small scale, say: Shoe shop, \$200; saddler shop, \$200; cabinet shop, \$200; broom factory, \$100.

The money to purchase the material to work up in these shops could be taken out of the supply fund and replaced when the manufactured articles were sold.

Gas works should by all means be established at the institute, as it would add greatly to its protection against fire by accidents to lamps. This can be done with \$500.

The present appropriation of \$7000 per annum for "groceries, provisions and miscellaneous," is, if possible, more out of proportion than any that has been referred to, and must have been made without a proper knowledge of the purposes for which it was intended. This is not only to cover the provisions of the various kinds used in institutes of this kind, but books and stationery, gardening and farming implements, tools of all kinds, blacksmithing, provender for animals, firewood, drugs and medicines, medical attendance, dry goods, stoves, tinware, tableware, plumbers' work, woodware, postage and everything else that is purchased and used in carrying on the institute, except that which is specially provided for by law.

This is an old institution and most of the furniture is old and worn, but more or less serviceable, consequently I will only report that which is nearest worn out (as "worn"), and that which I regard as useless to us.

One single-seated buggy, which is old and worn, and should be substituted by one with two seats and more carrying capacity.

Three sewing machines (worn), and one useless. These are Wheeler & Wilson machines of the old patent, and we would prefer having them replaced by substituting the Singer machine.

One old turning-plow, about worn out, and a lot of old pieces of plows, old irons, etc., that are worthless to us; one old stove that is worthless, and three others considerable worn; one furnace for heating flat-irons, worn out and about worthless; one cast-iron bedstead, broken; one wooden (rough) bedstead, worthless; three wooden bedsteads, worn; twelve mattresses, worn, and three worthless; fifteen pads (for beds), worn, and six worthless; forty-five blankets, worn, and fifteen worthless; twenty-eight comforts, worn, and twenty-four worthless; thirty-one quilts, worn, and twelve worthless.

A large portion of our tableware is worn, and a good deal of it worthless, including knives, forks, spoons and crockeryware.

Having had over three years experience in managing the affairs of this institution and the disbursement of its funds, I hope it will not be regarded entirely out of place for me to say that, instead of itemizing, as has been done by the last two legislatures, if the money intended to carry on the institution was appropriated in solid, it could, in my opinion, be more judiciously, if not economically expended.

I would now suggest that the \$23,000 intended for building purposes be appropriated for making new improvements, finishing the present new building, and adding to and improving the building for the printing office; \$3700 for supplying the institution with water from the Austin water works, constructing gas works and fixtures, repairing houses and furniture, and furnishing the new buildings with whatever is necessary for their proper use; \$700 for the establishment of mechanical shops; \$1700 for salary of one additional teacher, increase of pay to the third and fourth teachers, the increase pay of matron, seamstress, washing force, gardener and farmer, and employment of additional force in the domestic department.

Most respectfully submitted,

HENRY E. McCULLOCH,  
*Superintendent Deaf and Dumb Institute.*

## EDUCATIONAL REPORT.

DEPARTMENT OF EDUCATION, STATE OF TEXAS, {  
AUSTIN, June 2, 1879. }

*To his excellency, O. M. Roberts, Governor of Texas:*

SIR—I have the honor herewith to return interrogatories submitted to me by your excellency on the twenty-seventh ultimo, together with my answers to the same, which have been given according to the best data at my command.

Very respectfully, your obedient servant,

O. H. HOLLINGSWORTH, *Secretary Board of Education.*

Q.—For what period is it that the superintendents and directors of the free common schools did not get pay?

A.—For the scholastic year ending August 31, 1876.

Q.—How did it happen?

A.—By a failure of the Legislature to make the necessary appropriation for payment of said officers.

The school law provided that county superintendents and directors should be paid out of the available school fund appropriated to the coun-

ties, upon warrant of the state superintendent of public instruction, drawn on the county treasurer. [See section 19, page 89, General Laws of the Thirteenth Legislature.] In the general appropriation act for the support of the state government for the fiscal year ending August 31, 1876, the entire amount appropriated, to be apportioned to the counties for support of schools—the same being \$500,000—was designated as an appropriation for payment of teachers exclusively, and hence the state superintendent of public instruction could not draw upon it for payment of county superintendents and directors. [See item department of education, page 158, General Laws of the second session of the Fourteenth Legislature.]

Q.—About what amount will it come to?

A.—\$44,480.

Q.—How and when, and out of what fund should it be paid?

A.—If it be a state debt, the state should pay it, and out of the general revenue. If it be a county debt, then the counties respectively should pay it out of a fund raised by a special levy for such purpose. A proper construction of the school law in force at the time this debt was created (the school act of the Thirteenth Legislature, approved May 22, 1873), and the general appropriation act of the second session of the Fourteenth Legislature, will, it is believed, force the conclusion that this is not a state, but a county debt.

The school act above referred to provided that county superintendents and directors should be paid out of the school fund apportioned to the counties. The Fourteenth Legislature appropriated \$500,000 to be apportioned to the counties for support of schools, but limited or restricted its application to the payment of teachers, thereby excluding the payment of superintendents and directors out of this fund; and hence the counties collectively received and used in support of their schools \$44,480 more than they were strictly entitled to, for it is certainly to be presumed that the Legislature intended that these officers should be paid for their services, as provided by law, and that it was an unintentional omission whereby they were barred.

The law and the constitution in force at the time this debt was created required the Legislature to appropriate annually for support of public schools all the school revenue available for said year. [See school act, approved May 22, 1873, section 30; and constitution of 1869, article 9, section 9.] As thus required, the Fourteenth Legislature made an appropriation of \$500,000 for support of public schools in 1876, and it is claimed that this amount was the limit of available school revenue for said year, as determined by the Legislature; and, therefore, when the counties receipted respectively for their *pro rata* of this sum, the state had discharged in full her obligations to the counties in this respect, and consequently whatever deficiencies were created in the maintenance of schools in the counties became a county or district debt, to be paid by the levy of a county or district tax.

Q.—From 1870 to 1874 how much was appropriated each year to free common schools, and in what manner?

A.—For 1870 there were appropriations made for public schools:

From May 1 to August 31, 1871, appropriation, \$111,100; from September 1, 1871, to August 31, 1871, appropriation, \$504,000; from September 1, 1872, to August 31, 1873, appropriation, \$51,619.

The above sums were appropriated by legislative enactment. In addi-

tion to these sums there was, from 1871 to 1873, a levy of \$2,170,753 school tax. From May 1, 1871, to September 1, 1873, the records of this department show claims approved to the amount of \$2,502,522. To cover deficiencies created during the same period, in favor of teachers only, the Thirteenth and Fourteenth Legislatures each appropriated \$400,000, and the Sixteenth appropriated for a like purpose, \$30,000, making the sum of \$830,000 appropriated for payment of deficiencies created in the department of education during the administration of Governor E. J. Davis. These deficiencies were, in a large measure, caused by the failure to collect the school tax.

Q.—From September 1, 1874, to September 1, 1876, how much was appropriated each year, to free common schools, and in what manner?

A.—From September 1, 1873, to August 31, 1874, \$519,800; from September 1, 1874, to August 31, 1875, \$513,925; from September 1, 1875, to August 31, 1876, \$505,400. These sums were appropriated by legislative enactment.

Q.—What was the aggregate expenses of the educational department under your charge, appropriated each year?

A.—In 1874, \$703,117; in 1875, \$767,052; in 1876 the appropriation was \$505,400.

On September 1, 1875, I, as superintendent of public instruction, apportioned \$500,000 of this sum to the several counties of the state for the payment of teachers in the public free schools, and on the eighteenth of April, 1876, I went out of office, and as this department of education was closed from that date until the first of September, 1876, and school affairs generally were in a disorganized condition, but few reports were made to this department by county superintendents for the scholastic year ending August 31, 1876, and hence I am unable to state how much was expended during that year.

The school law in force in 1874-5 and 1876, required school trustees to provide for the maintenance of their respective schools for a period of not less than four months, and whatever deficiency was created in doing so, by reason of the insufficiency of the fund received from the state, was to be supplied by the collection of a special district tax. In many instances this tax was never levied, and in others, though levied, was never collected; and while in some districts it was properly levied and duly collected, yet so few full reports were ever received at this department in reference to the amount of deficiency school tax, that I am unable to give any definite information as to the amount of school revenue received from this source. An evidence that much of this tax was never collected is found in the enactment of a general law by the Fifteenth and also by the Sixteenth Legislature, providing for the payment of these deficiencies.

Q.—From September 1, 1876, to September 1, 1878, how much was apportioned each year, when, by whom and in what manner?

A.—The Fifteenth Legislature in the general appropriation account for the support of the government for the fiscal years ending August 31, 1877 and 1878, and for the additional period of time ending December 31, 1878, for public free schools, made an appropriation as follows:

“The entire available school fund annually derived from all sources, including the poll tax, and one-fourth of the general revenue is hereby set aside annually for the support of the public free schools of the state

for the years 1877, 1878 and a proportionate part thereof to the 31st day of December, 1878."

The board of education on or about the first day of September of each year, upon the report of the honorable comptroller as to the probable receipt of school revenue under the appropriation above recited, made the following apportionments for payment of teachers: For the year ending Aug. 31, 1877, \$500,000; for the year ending Aug. 31, 1878, \$750,000.

Q.—How much was apportioned of each item, to wit: Interest derived from bonds; poll, occupation and ad valorem tax each year of the three last years, from September 1, 1876, to September 1, 1879?

A.—I cannot state how much of each item making up the aggregate available school fund was apportioned; I can only show how much under the head of each item was annually received on school fund account. The available school fund account for the year ending August 31, 1877, may be stated thus:

Dr.	
To balance on hand September 1, 1876....	\$108,095
To interest on school bonds.....	185,729
To interest on sales of lands.....	10,198
To receipts from occupation tax.....	87,000
To receipts from ad valorem tax.....	281,784
To receipts from poll tax.....	142,000
	<u>\$814,801</u>

Cr.	
By amount apportioned to the counties.....	\$500,000
By amount paid county judges.....	14,714
By amount paid census takers.....	4,160
By amount paid for printing for two years.....	3,048
By amount paid for postage.....	680
By amount paid secretary board of education (salary).....	1,500
By balance.....	290,699
	<u>\$814,801</u>

*Available school fund account for the year ending August 31, 1878:*

Dr.	
To balance on hand September 1, 1877.....	\$274,834
To interest on school bonds.....	183,834
To interest on sales of school lands.....	14,037
To Brazos county bonds redeemed.....	9,500
To receipts for occupation tax.....	87,000
To receipts for ad valorem tax.....	284,000
To receipts for poll tax.....	176,847
	<u>\$1,030,052</u>

Cr.	
By amount apportioned to counties.....	\$750,000
By amount paid county judges.....	15,503
By amount paid census takers.....	5,646
By amount paid for printing and stationery.....	1,267
By amount paid for postage.....	520
By amount paid secretary board of education.....	1,500
By balance.....	255,616
	<u>\$1,030,052</u>



An exhibit of the available school fund account for the year ending August 31, 1879, cannot now be made, since the amount of receipts cannot be ascertained until the close of the current fiscal year.

The apportionment to the counties for payment of teachers, the sum of \$300,000, on the first of September, 1878, and a subsequent apportionment of \$600,000 for the same purpose on February 26, 1879, were made on the following estimate furnished by the honorable comptroller of probable receipts in favor of available school fund account for the year ending August 31, 1879:

Tax on \$300,000,000 worth of property.....	\$1,500,000
Less 25 per cent. for collecting, errors, insolvents and sales to the state.....	375,000
Balance.....	\$1,125,000
Probable occupation tax.....	\$350,000
Probable revenue poll tax.....	125,000
	<u>\$475,000</u>
Total general revenue.....	<u>\$1,600,000</u>
One-fourth of the above for public schools.....	\$400,000
Interest on permanent school fund.....	150,000
Educational poll tax.....	125,000
Balance on hand September 1, 1878.....	240,000
Total receipts for school fund.....	<u>\$915,000</u>

The above balances, it will be observed, are in excess of the amounts reported on hand by the honorable comptroller to the credit of the school fund each year, as shown in his annual reports; but the discrepancy may be explained by stating that I have assumed the entire apportionment made each year to have been actually paid by warrant of the comptroller previous to the close of the respective fiscal year, when, in fact, there are always some certificates of credit issued by the board of education for a given year against the apportionment made for said year, that have not been returned by the tax collectors to the comptroller until after the close of the fiscal year and the accounts for said year have been balanced. These outstanding certificates of credit, added to the cost of assessing and collecting, of which the school fund bears its proportionate part, make the difference between the balances as above shown and as reported by the honorable comptroller.

Q.—How much was said amounts so apportioned each year less than the one-fourth of the *ad valorem* tax and occupation tax and one dollar poll tax?

A.—For the year ending August 1, 1877, \$274,834; for the year ending August 31, 1878, \$249,000.

Q.—How and when was it ascertained each year to be less?

A.—By comparing at the close of each fiscal year the amounts expended for public free school purposes with receipts for like purposes.

Q.—When and how was the said surplus disposed of and by whom?

A.—At the beginning of each scholastic year, when the board of education meets to declare the apportionment, the said surplus is embraced in the amount estimated to be available for the new year, and is accordingly apportioned.

Q.—How much has been reserved each year, and by whom, and when,

to defray expenses of the board of education in management of free public schools?

A.—It has not been the custom of the board of education to reserve any definite sum to defray the expenses of the administration of the school law. The apportionments for payment of teachers have always been made upon a sufficiently safe basis, as reported by the comptroller, to guard against the expenses of the department of education in the administration of the school law, exceeding available school revenue.

Q.—Upon whose approval are the several items of expense of the said educational board paid?

A.—The claims due county judges and postoffice accounts have hitherto been approved by the secretary; printing and stationery accounts have been receipted for by the secretary and approved by the printing board. The salary of the secretary is paid upon warrant of the honorable comptroller.

Q.—Is an account of said expenses, when approved, kept in the office of the board of education by the secretary; if not, where and how ascertained?

A.—An account of claims due county judges approved by the secretary is kept in the office of the department of education, and the accounts receipted by the secretary and approved by the printing board, are kept by said board. Accounts of other items of expense are kept by the comptroller.

Q.—To what cities or towns is the Peabody fund distributed annually, how much, and at what times?

A.—To Houston, \$2000; to San Antonio, \$1500; to Denison, \$1000; to Brenham, \$1000; to New Braunfels, \$1000. Total, \$6500. The money is usually paid about the close of the scholastic year. This year payments were made earlier than usual.

Q.—How, and by whom is it distributed to the respective cities and towns, and in what way?

A.—Dr. B. Sears, general agent Peabody fund, remits the money to me by check; I cash the checks and remit in like manner to the treasurers of the school fund of the respective cities and towns that are fortunately the beneficiaries of this fund.

Q.—In what way do cities and towns make application for the benefit of the Peabody fund, and are there any and what applications now pending that have not been granted?

A.—Since 1874 to the present, while holding office in this department, and also for a part of the time as a private citizen, I have acted, by request of Dr. B. Sears, and without compensation, as his agent in the management of the Peabody fund in this state. Application for aid is forwarded to me, and if I am satisfied that it is made in good faith, and have reason to believe that the corporation applying can and will comply with the conditions stipulated by the trustees of the Peabody fund, I forward the application to Dr. Sears, and recommend that aid be granted either for the full amount asked for, or for less, as I may deem best. There are no applications now pending where the conditions established by the trustees of the fund have been complied with.

Q.—What about the average time taught in schools from September 1, 1874, to September 1, 1878?

A.—In 1874, four months; in 1875, four months; in 1876, no reports; in 1877, three months; in 1878, four months.

Q.—What will be the probable expenses of the educational board for 1879–80 and 1880–81?

A.—For 1879 and 1880 the probable expenses will be as follows:

For stationery.....	\$100
For postage.....	700
For printing.....	1,500
For fuel and lights.....	50
For expressage and telegraphing.....	80
For salary of secretary.....	1,800
	<hr/>
	\$4,230

For 1880 and 1881 the probable expenses will be as follows:

For stationery.....	\$100
For postage.....	750
For printing.....	1,600
For fuel and lights.....	50
For expressage and telegraphing.....	80
For salary of secretary.....	1,800
	<hr/>
	\$4,380

### BLIND ASYLUM REPORT.

SCHOOL FOR THE EDUCATION OF THE BLIND,  
AUSTIN, Texas, May 31, 1879. (

*Hon. O. M. Roberts, Governor of Texas:*

In response to your communication, I herewith submit the following statement:

The amount recommended for building, repairs, etc., if appropriated, will fix the institution in proper condition for the reception and care of probably one hundred pupils, but no more; yet during the time between now and the meeting of the next Legislature I do not anticipate a greater number than that. To accommodate and properly educate more, especially in practical knowledge, one hundred, or even as many as ninety, we must have at least \$15,000 in all for improvements upon present condition.

Yours respectfully,

FRANK RAINEY.

#### STATEMENT.

Number of pupils received during the present session, 72; number of blind of suitable age reported to me, but not here, 49; probable increase for the next session, 20.

The Sixteenth Legislature appropriated \$7500 for additional buildings, but that is not really enough for present purposes; but for present purposes and for the probable increase we need an additional amount for building purposes, repairs, furniture, apparatus, etc., of \$7500.

Additional amount for provisions, miscellaneous, etc., for increase, per annum, \$3000.

The following should be sold or exchanged: One old set of parlor furniture; some old carpets; a number of bedsteads, etc.; nearly two dozen school desks; several old pianos.

## AGRICULTURAL COLLEGE REPORT.

*To his excellency O. M. Roberts, ex-officio President of the Board of Directors of the A. and M. College of the State of Texas:*

GOVERNOR—By a regulation for the government of this college, it is made my duty, by the first of June of each year, to report to the governor the condition of the college, its attendance, etc.

On the 4th of October, 1876, the college was organized, with six professors, one of the number being commandant of cadets, at salaries of \$2250 each, except the president; his salary was \$3000. The attendance was small, not reaching fifty pupils the first term, but by the end of the session in June the matriculation had gone to 106. The number of cadets present at the close of the session was eighty. The charges were for the first session, one-half payable on entrance, and \$250 each for students, and \$200 for state students, two from each senatorial district. The latter class of students were charged no tuition. The board of directors, at the meeting in June, 1877, abolished the state scholarship and all tuition fees, but assessed on each student who entered in October an annual matriculation fee of \$20, and \$10 for every student who entered at the beginning of the second term of the session.

The amount to be paid on entering in October was reduced to \$64. A great increase of attendance resulted, and the average attendance of the the second year was about 200 students. To meet the demands thus developed, the board ordered that two wooden dormitory buildings be erected. They were built, and forty-eight additional bed-rooms were furnished. Before these buildings were completed and furnished great discomfort was experienced, and many complaints obtained circulation. Large numbers quit. This fact had its effect upon the beginning of the present session. To give you some idea of the per cent. of changes, I will mention that out of 331 matriculants during the second year, 186 were present at the close of the session. By the opening of the present session, however, the two wooden dormitories were finished and furnished, and 180 students were present by November 1. The board had receded from its action requiring only \$64 in advance, and required \$130 of the \$200 charged for the session, to be paid October 1. This kept away quite a number, as my correspondence shows. The yellow fever was feared throughout the state at the opening of the college, and that kept away quite a number.

A change was made by the management of the boarding department. Up to June 26, 1878, this department was managed by a gentleman selected by the board, on his own account, the state furnishing dining-room, kitchen, table and kitchenware and furniture, and paying to him the full amount paid by students for board and lodging, and he furnishing only board to the students. The college, furthermore, paid him board at the same rate paid by students for all employes of the college, laborers, etc., say \$12 per month. In addition to this, the steward was furnished, for a residence, the building originally intended for the president of the college. The board saw fit to dispense with this arrangement and to conduct the boarding, on account of the college, under the supervision of the president, and ordered that officer to occupy the building originally intended for him as a residence. This change gave offense to the friends of the steward, who was an old and respected

citizen of the state, and has operated to keep up irritation in the public mind, and even in the college. The result of the change has vindicated the wisdom of the board of directors. By the change a house was furnished the professor of English, elected last June, and the balance shown in favor of the present management has enabled the authorities to relieve the deficiency that existed at the last meeting of the board, say \$1500, growing out of the erection of the new buildings of various kinds, and the building of four large cisterns, of 700 barrels each. It cost also \$1500 to complete and furnish the dormitory building. The deficiencies and others growing out of a general repair of all the buildings last summer, at a cost of about \$1000, have been met, and the farm kept up by the savings made in the management of the different departments. Notwithstanding this, the irritation referred to has been a cause of no little criticism, unfriendly and unjust to the management of this college, and has operated to some extent to alienate the general good will. Even in the college, the influence of it was and is felt.

To the end that your excellency may understand exactly what has been done, and how, and what is needed, I submit the following statement:

On the fourth of October, 1876, there were belonging to the college 2200 acres of land; 160 acres of it has been enclosed by a good plank fence. The land is poor—about one-half timbered with post oak. The main college building contains forty-six rooms. Of these one is a chapel, another is used as a hospital, another as a guard-room, another as a commandant's office. Besides these, eight are used as lecture or recitation rooms; three more rooms are used as quarters for the college architect, and one as a president's office. This leaves twenty-eight rooms for dormitories, one being used for the societies. In the steward's hall building there are twenty rooms for students, but the superintendent of the culinary department occupies one. This gives forty-seven rooms that I find available for students. That is all the capacity I found. Out of the last appropriation by the Fifteenth Legislature the kitchen and dining-room were furnished; the forty-seven rooms were furnished with stoves, bedsteads (iron), mattresses, tables, wardrobes and chairs; the fence around 160 acres of land was built; a wagon and two mules were purchased, and that is about all, except the erection of five professors' residences and a large stable or barn.

To meet the increased demand, and in pursuance of authority of the board, I have added two large two-story frame buildings, with twenty-four rooms in each, well ceiled. These are furnished as the other rooms, and like them, each has a stove. I built a nice bath-house, with twelve rooms, tubs, etc., two large sinks, a store-room, quarters for servants of the steward's hall, etc., and furnished all the equipments necessary to meet the increased number of students. Besides this, last fall I was compelled to spend considerable means in putting into proper repair articles connected with the range, etc., at the college kitchen. I found here one large cistern, say five hundred barrels, and three small ones, say two hundred or three hundred barrels. I have built four more of seven hundred barrels each, all walled up and cemented. I have furnished all these cisterns with pumps, pipes, etc. In order to secure an additional exit from the upper stories of the main building, I constructed an additional and handsome stairway from bottom to top. This stairway corresponds with the other portion of the building in its finish and appearance.

There are about thirty-five acres in cultivation this year, planted in wheat, oats, millet, potatoes and garden. I am not able to say how much of each crop named was planted.

There are about five hundred young trees growing on the grounds. Many more were planted but many died.

There is a superintendent of the farm and grounds, and usually three or more laborers on the farm and grounds. There are a number of young apple trees growing, and a few peaches. Fire got in the grass among them last winter and killed them to a considerable extent.

There are plows and utensils of almost every kind suited to the farm. There is a fine Champion mower, etc.

In the educational department there are seven professors and one adjunct.

The professors, after October, will receive a salary of \$1800 each, the adjunct \$1000 and the president \$2500; up to that time the professors receive \$2000 each, the adjunct \$1200 and the president \$3000. These salaries are paid out of the interest on the bonds in which are invested the proceeds of land donated by the United States congress. I should mention another salaried officer, though not an educational officer, and that is the college architect or carpenter, salary \$600.

Students were charged for the present session \$200 each. Of this \$130 were to be paid October 1, and if the student remained the entire session \$70 was to be paid February 14, following. The items of expense were as follows:

Matriculation.....	\$20
Clothing (two suits).....	40
Board.....	108
Washing.....	12
Fuel and lights.....	7
Surgeon and incidentals.....	13
	<hr/>
	\$200

If the student entered in February he paid only ten dollars matriculation fee. When students quit it has been customary to refund the money paid. The board has made the clothing fee thirty dollars, and requires eighty-five dollars in advance next session.

What the college absolutely needs is a good laboratory. Although not suited to the purpose, one of the rooms in the main college building might be used at present by making some changes. It needs a library, and it needs some additional teams and another wagon, some stock and some additional land enclosed for pasture, etc., as well as for farm. It needs very much a hospital building, separate and apart from the college.

Before estimating the least amount to be sought I will indicate the current expenses of the college:

Three janitors and drummer.....	\$860
Three laborers (this year).....	540
Hospital steward.....	240
Hospital supplies, medicine, etc., (board furnished by steward's hall)	250
	<hr/>
	\$1,890

All breakages, blacksmith accounts, etc., furnishing buckets, basins, looking-glasses and all repairs of every kind on bedding, chairs, furni-

ture, amounting to a large sum through the year. Then comes printing, postage, advertising, stationery, blanks, catalogues, commencement expenses, etc., in all, say, usually \$4000. All this, however, the matriculation fee will discharge.

When a student enters college and pays his money, \$20 is placed to the credit of the contingent fund; \$12 per month to the credit of board; \$1 33 $\frac{1}{3}$  cents per month for washing; about 78 cents per month for fuel and lights, and each account is kept separately. When anything has been paid out on account of board, board account is charged; when anything is received on account of board, board account is credited to that amount. So we can take off a balance sheet and show what has been lost or gained on any account. Besides, we keep a separate account with each student.

For every dollar paid out there is now on file in my office an approved and receipted voucher. Major Morris is treasurer. Accounts are presented to the president, who examines and allows them, and draws his warrant on the treasurer. The treasurer gives his check on the bank in Bryan, where the funds of the college are kept. No money is paid at the college.

Somewhat out of order. I will state that \$20,000 would start us in all the matters mentioned, and make a good beginning. Something really ought to be invested in models of machinery, etc., but all cannot be done at once.

In regard to our condition: 1. We have present 164 students. 2. The morals and order never better. 3. There have been 247 matriculants since October 1, 1878; average attendance, 175. The decrease in numbers in February was owing to causes stated in this paper, and the legislative discussions and newspaper flings, and industriously circulated reports that you were opposed to the college. The action of the board in January, consolidating the chairs of ancient and modern languages, seemed to the students indicative of some radical change in policy. All these things were seized upon by parties heretofore referred to, and by their henchmen out of college and in college. I met the troubles firmly and with a devotion which I never gave to any other cause, never leaving my office at any hour except for repose. The per cent. of falling off this session is not as great as last. We had 331 matriculants and closed with 186 present.

Our condition financially is, that if we collect what is due us, we will have no current deficiency. To keep work going last summer and to pay balance due, I borrowed means from bank, and there is due on that \$591 63, and in 1877 Mr. Minturn, the college architect, was paid only \$200 of his salary, leaving \$400 unpaid. That has stood over from that year.

If it had not been for the large improvements and repairs and work on the grounds, as well as the farm, we would have been much ahead. We are now getting up our balance sheets, waiting to try to collect balances.

I notice in reading the above that there is no mention made of what apparatus we have. I report substantially that we have very little. I this year bought out of the contingent fund a splendid solar compass for linear measure and the taking of horizontal and vertical angles—cost about \$125. We should have a transit or engineer's level, and we should have models, etc., as are already named.

Your excellency will pardon want of form. I received your letter

on Saturday afternoon. I this morning sat down and wrote this without rising. If your excellency should wish I will report in person.

Respectfully submitted,

THOMAS S. GATHRIGHT, *President.*

P. S.—By way of supplement, I will state that the United States government furnishes us a commandant, and has shipped us during the present year two hundred cadet rifles and accoutrements, and one thousand rounds of ammunition and two field pieces, with carriages, caissons, etc. We paid freight on these, something over \$200.

There are four companies formed into a battalion, commanded by the commandant. The commandant teaches our arithmetic and our algebra class, whilst the military feature is required, and is beneficial in discipline, etc. The popular complaint against this department—"too much military"—can be met and appeased without detriment to the college.

GATHRIGHT, *President.*

### LUNATIC ASYLUM REPORT.

*To his excellency O. M. Roberts, Governor of Texas:*

In answer to your call upon me for information relative to certain matters concerning the State Lunatic Asylum, for the use of the Legislature soon to be convened, I have the honor to submit the following:

There are at this time in the asylum 280 patients. Of this number 168 are males and 112 are females, including 15 colored males and 14 colored females.

#### NUMBER OF INSANE PERSONS IN THE STATE.

I cannot, from the data in my possession, assume to give an accurate statement of the number of insane persons in the state who have not been provided with accommodations in the asylum.

I have endeavored to inform myself in this regard by asking each of the county judges to furnish me the number in their respective counties. This was thought to be the best means available at the time so secure the data for an approximate estimate.

As yet I have heard from only thirty-eight counties, which are supposed to represent about one-third of the population of the state. In these thirty-eight counties there are reported to be 103 insane persons, who, in the estimation of the county judges, should now be in the asylum.

Assuming this information to be correct, and that the counties heard from embrace one-third of the population, there would be 309 in the state.

In many cases the numbers reported by the judges are confined to such as have been adjudged insane under legal proceedings, and in all instances, it is supposed, are confined to such as in their judgment should now be in the asylum.

Some deductions should be made, perhaps, from this estimate on account of those who would be cared for by their friends at home or elsewhere, and of those who from other causes would not seek admission. But, after making all proper allowances, it may be assumed that there are at least 250 insane persons now in the state entitled to and requiring accommodation in the asylum.

#### ADDITIONAL ACCOMMODATIONS NEEDED.

The asylum is now full, much beyond its proper capacity, and if it is deemed obligatory upon the state to provide for the care and support of



its insane population, it is believed a present necessity exists for provision for the reception and accommodation of 250 additional inmates. To accomplish this in accordance with the original design of the asylum building, it will be necessary that the projected west wing be constructed of sufficient capacity to accommodate 120 inmates. It is estimated that this addition can be erected of superior material and workmanship to the original building, with all the necessary conveniences and furnished ready for occupancy, for the sum of \$50,000.

There is already in connection with the asylum a new building known as the pavilion building, capable of accommodating about fifty patients of the convalescent and most tractable class.

This building has not been utilized according to the design of its construction, for the reason that in the estimation of the board of managers it was deemed impracticable, in consequence of the inadequacy of the force of employes and of the appropriation for the support of the asylum with any addition to its present numbers.

It will require about \$2000 to make some necessary additions and properly furnish the building for occupancy. With this building appropriated to the males of the class, for which it is adapted, and with another pavilion building of similar capacity for the females, which it is estimated would cost about \$12,000, ready for occupancy, and a separate building for the colored insane, sufficient to accommodate fifty persons, which would probably cost about the additional sum of \$12,000, it is considered that sufficient accommodations would have been provided to meet the existing demands.

According to the foregoing estimates, the entire cost of providing asylum accommodations for 250 additional inmates will amount to \$76,000.

In addition to these expenditures for buildings, it is very desirable that provision should be made for heating the asylum by steam or hot air, and that a reliable supply of water should be secured by means of an extension of the Austin water works to the asylum.

It is estimated that these improvements would involve an expenditure of about \$24,000, making in round numbers the sum of \$100,000 that would be needed to place the Lunatic Asylum on such a footing as to meet the requirements of an institution of this kind at the present day.

#### ADDITIONAL APPROPRIATIONS REQUIRED.

The appropriation made at the last session of the Legislature will, in some respects, be insufficient for the support of the asylum, with its present population of 280 patients. It may be that the amounts set apart in the two principal items of the appropriation, viz: those for the purchase of groceries, provisions and wood, and of dry goods, clothing and bedding, if complemented by the amount received from private patients, will be sufficient. But the amounts appropriated for the following purposes are considered deficient to the extent specified:

For repairs—There was expended for repairs during the fiscal year ending August 31, 1878, the sum of \$1536 31, while the amount allowed for that purpose for the present year is only \$400. It is believed that the extensive improvements connected with the asylum cannot be kept in proper repair for a less amount than \$1250, which would require an additional appropriation of \$850 per year for this purpose.

For medical stores—There was appropriated for this purpose \$500, while it is estimated that \$750 will be required, making an addition of \$250 to this item.

For miscellaneous purposes.—The sum of \$500 was appropriated to meet the extensive demands embraced under this head. This should be increased to \$1000, making an addition of \$500 for this purpose.

For employes.—The force of employes allowed is not adequate to the efficient discharge of the duties required for the proper conduct of the asylum, and the reductions made at the last session should be restored, with the addition of one female night watch.

Many of the most valued employes have resigned their places in consequence of the reduction of pay, and it is believed to be essential, in order to secure and retain an intelligent, competent and reliable force of employes, that this reduction be also restored. This would require an additional amount of about \$3000 per annum.

With these additions the entire appropriation for the support of the asylum, with its present number of 280 patients, would amount to \$44,020, which is \$157 22 per capita.

In 1876, when there were only 230 patients, the appropriation was \$43,910, or \$191 per capita, and amounting to within a very few dollars of the sum now demanded for fifty additional inmates. The actual expenditures for the fiscal year ending August 31, 1878, with an average of 246 patients for the year, were \$47,812 38, nearly ten per cent. more than is now asked for 280 patients, and at a cost of \$194 35 per capita.

APPROPRIATIONS CONTINGENT UPON FURTHER ACCOMMODATIONS BEING PROVIDED.

Should provision be made for the pavilion building now connected with the asylum, it will be necessary to add to the appropriation for the care and support of fifty additional inmates at about the same rate per capita as that required for those now present, and to employ two more male attendants.

This building can be fully occupied by the first of September, and the required addition to the appropriation should be provided from that date.

It is considered practicable to complete another pavilion building for females and a building for colored patients within ninety days from the date of contract. These buildings would probably be occupied by about ninety patients within sixty days after completion.

The per capita amount for care and support of this additional number of inmates might be reduced five per cent. on the previous estimates, as by such an increase in the population the cost of maintenance will be reduced, it is supposed, to that extent.

Two attendants would be required for each of these buildings.

It is believed the west wing of the main building could be completed and ready for occupancy by the first day of March, 1880, and that it would be occupied within ninety days after its completion by one hundred and twenty patients.

In providing for the care and support of this addition to the number in the asylum, a reduction of about seven per cent. *per capita* from what is required by the present population would be admissible.

It would require nine attendants for the three wards of this wing.

The number of insane persons here reported to be in the state and requiring immediate provision for admission into the asylum and the amount of expenditure required to make suitable provision for their reception, care and support, may seem startling, but when it is considered that even after this addition to the facilities and numbers of the Texas

State Lunatic Asylum, a comparison between it and those of other states will show that the number of insane in the state is far less than in any one of the United States of equal population, and that the cost of asylum accommodations is incredibly below that which has been incurred by any other state to provide for a like number.

The consideration that the state has not yet done half of what it has assumed to do for this unfortunate class of its population, should appeal with emphasis to those who are intrusted with the responsibility of providing for the fulfillment of the obligation it has assumed.

AUSTIN, June 10, 1879.

W. E. SAUNDERS.

### PRINTING BOARD REPORT.

AUSTIN, TEXAS, June 5, 1879.

*To his Excellency O. M. Roberts, Governor of Texas:*

SIR—As per request I have the honor to submit the following in regard to state printing matters:

First-class printing—Contractors, A. H. Belo & Co., of Galveston. Contract awarded September 10, 1878, for two years and until new contract is made. This class embraces *all* work of a book or pamphlet nature, such as the general and special laws, journals of the Legislature, all reports of heads of departments, all messages of the governor, and all incidental pamphlets of the legislative and all other departments except the judicial. Book or pamphlet work belonging to this class is such as has pamphlet binding only. Any document of 160 pages or less is usually termed a pamphlet; over 160 pages is termed a book. This class does not include such documents as are "half bound" or "full bound" in boards—as for instance the Revised Statutes, which is to be printed under separate and special contract.

Incidental documents of magnitude in pamphlet binding have also been held not to come under the contract for first-class printing where the work was required to be done on paper and size of pages and type different than specified in law; for instance, separate bids and contracts were required for printing the Revised Civil Statutes and Codes for use of the Sixteenth Legislature as bills. This work was claimed by the then contractors as fourth-class printing, being termed bills in the law providing for its publication; but it being demonstrated to the commissioners and the board of printing that this work printed in bill form would cost the state not less than \$10,000, and a cheaper and more convenient style being submitted, which was estimated would not cost over \$4000, it was at once decided to except it from all claims then under contract and call for special bids on same.

Second-class printing—Contractors, A. H. Belo & Co., of Galveston. Contract awarded September 10, 1878, for two years and until new contract is made. This class embraces all work of the kind termed by printers "job work," done for legislative all other departments, such as blank forms, circulars, etc., consisting of all letter-press printing except that assigned to other classes, letter and noteheads, which have been classed as stationery, and such printing as official proceedings in newspapers, which is not provided for by law. It also includes the binding of printed blanks.

Third-class printing—J. A. Nagle, of Austin, contractor. Contract awarded September 10, 1878, for two years and until new contract is made—consists only of ruled blank books, with and without printed heads, either half-bound, full-bound or extra full-bound. This class is now being paid out of stationery funds of departments ordering the work. Some few claims for blank books have been paid in former years out of general printing fund. The expenditures heretofore for this class have in no one year since the law went into force exceeded \$200 for all departments. Most of the work of this class ordered by the departments has been of a special nature, ruled to order, with printed heads and extra full-bound.

Fourth-class printing—E. Von Boeckmann, of Austin, contractor. Contract awarded September 10, 1878, for two years and until new contract is made, consists of printed bills and joint resolutions ordered by the Legislature while in session, and such committee reports as may be ordered printed, with bills to which they refer. The law specifies the size of type, size of page, and size and quality of paper, and fixes maximum rates. The present contract is \$1 10 per printed page for the pages contained in one copy of an edition of two hundred or less, which is extremely low. Special rates are fixed for additional copies than two hundred of any one bill, so as to guard against composition being charged twice or more times.

Fifth class printing—No contractor. This class consists of executive advertising. It is not practicable to let it out by contract, and it is thought to be exempted in the constitution. (See article 16, section 21.) The Revised Statutes except this class from being let by contract. The legal rates paid are one dollar per square for first, and fifty cents per square for each subsequent insertion, each square to contain not less than one hundred words, actual count; no allowance for blank space. The rule is to estimate each figure, initial and abbreviation one word in counting. The rates are fair for a paper of average circulation, but too low for a large circulation. The law might be amended for a per centage advance for circulation of over one thousand and over. Advertising for supplies for asylums has been and is being paid out of the general printing fund, there being no specific appropriation for payment of such advertising. It costs about \$150 per quarter, and transfers a large portion of what is saved by the system to two newspapers, "one at the capital and one in Galveston." If the law permits, a more saving way would be to publish a brief notice calling for bids, and directing bidders to call on the officers controlling the matter, for printed specifications, which could be printed in circular form at small cost. There should be a special appropriation for this advertising. It is thought the general printing fund where applied to advertisements, should cover only those ordered by the executive and those necessitated in carrying out the printing laws.

OFFICIAL PROCEEDINGS OF THE SIXTEENTH LEGISLATURE, FIRST SESSION

*Published in the Austin Democratic Statesman, Cardwell & Morris, proprietors, under resolutions of Senate and House respectively, providing that twenty copies be supplied each senator and ten each representative daily, at four cents per copy.*

Amount paid by Senate during session for *Statesman*, \$1847 04; ditto by House, \$2596 32; total amount paid during the session to Cardwell & Morris for copies of *Statesman* containing official proceedings, \$4443 35.

(Figures obtained from vouchers in comptroller's office.) This amount was paid out of contingent fund of Sixteenth Legislature on claims approved by president of Senate, speaker of House and chairmen of contingent expense committees. This printing has been under the superintendence of the chief clerk of the House (Colonel Lambert) and secretary of Senate (Mr. Whitehead). There is no statutory provision for this style of printing; it does not come within any of the classes defined in act passed June 27, 1876, providing for the public printing by contract. The constitution declares that all printing, except proclamations, shall be performed under contract, to be given to the lowest bidder below such maximum price and under such regulations as shall be prescribed by law. (Article 16, section 21.) It is thought that the best and simplest plan would be to provide by statute for the publication of a daily legislative journal of the proceedings, in medium, folio, quarto or octavo form—quarto is most convenient—in type not smaller than brevier nor larger than long primer, on paper of the quality known as rag news, with maximum rates established for paper, composition and presswork, or per copy for half and whole sheets, and the Legislature to elect the printer; and all claims arising thereunder to be audited by the board of printing, as is now provided by law for other current printing of the Legislature.

#### CURRENT PRINTING OF THE LEGISLATURE.

This may be of either class defined in the law, but the greater part is of the fourth-class (printing of bills). The law provides that the current printing of the Legislature shall be done at the capital. Under the ruling of the printing board, when advertising in 1876 and 1878 for bids to do the public printing the right was reserved to give out the classes separately, thinking it most advantageous to the state. Thus, it might happen under this ruling that the first-class would go, say to Galveston; the second-class to San Antonio; the third to Dallas; the fourth to Houston, and the stationery to Waco. When the Legislature met each of the contractors would lie to Austin to make arrangements for having such work done as fell to their respective classes, and the spectacle would soon be presented of a general bartering with Austin printers (of whatever political complexion) to do their work. The state printing should all go together to one contractor, (except legislative proceedings, which might judiciously be made a matter of legislative selection,) who should be compelled to do all the work at the capital. The contractors to do current printing of the Legislature (as well as other state printing) at present are A. H. Belo & Co., of Galveston, first and second-classes (book, pamphlet and "job printing"); Joe Nagle, of Austin, third-class and stationery (blank books, etc.) and E. von Boeckmann, of Austin, fourth-class (bills). There are no contracts for translating and printing in other languages than English.

The Revised Statutes contemplate the special ordering, by the Legislature, of all printing in other languages than English before contracts are to be made. Very few claims for current printing of the late session of the Sixteenth Legislature have been presented to the board of printing, only one for fourth class (bills for Senate), \$218 27; two for German printing, by C. A. Buckner, \$569 71; one for labor of printers to work on rules of Senate, \$38 83; and six for first and second classes, \$800 38; total, \$1122 24. The cost of the current printing of the Sixteenth Legislature, first session, can be ascertained by the records of the printing board only in part, given above.

## APPROPRIATION FOR 1879-81.

The cost of the public printing (excepting that done for the department of education and a small portion of the current printing of the Sixteenth Legislature for the months of January and February, and such as has been paid for out of special appropriations) from September 1, 1876, to March 1, 1879, was as follows:

By appropriation of Fifteenth Legislature.....	\$30,000 00
By appropriation of Sixteenth Legislature, deficiency.....	12,870 86
By appropriation of Sixteenth Legislature for months of January and February, 1879.....	5,000 00
Total.....	\$47,870 86

This for a period of two years and six months, being an average of \$19,148 26 per annum. The amount appropriated by the Sixteenth Legislature for public printing (general fund) from March 1, 1879, to March 1, 1881, is \$42,000, an average of \$21,000 per annum. This amount is thought to be sufficient to cover all expenditures for printing except such as is specially provided for, during the two years ending in 1881, taking in consideration that the contract rates up to September 1, 1880, are over 10 per cent. lower than the rates for 1876-8, the edition of the general laws and number of pages less than those of the Fifteenth Legislature, and other economics, principally inaugurated in the tax department.

Respectfully, W. D. MCORE, Clerk P. B.

## ADJUTANT GENERAL'S REPORT.

ADJUTANT GENERAL'S OFFICE, }  
AUSTIN, Texas, June 6, 1879. }

*His excellency O. M. Roberts, Governor of Texas:*

SIR—In compliance with request contained in your communication of the fourth instant, I have the honor to append herewith a list of public property, with its condition noted, which should be condemned and ordered sold or exchanged, viz: 18,000 rounds pistol ammunition, calibre 45; 175 Colt's six-shooters, calibre 45 (new); 20 Colt's six-shooters, calibre 45 (worthless); these are useless now, as the frontier battalion prefer Colt's calibre 44, using Winchester cartridges; 250 to 300 pounds loose buckshot; 1000 empty pasteboard shotgun shells (10 gauge), but capped; 20 Springfield carbines (unrepairable); 316 Springfield muzzle-loading rifles (worthless), 96 in arsenal, 160 in hands of three companies of militia, 60 in hands of W. M. Burton; 346 Remington rifles, calibre 58 (obsolete), 38 in arsenal, 308 in hands of militia companies and colleges; 58 Winchester carbines, old style, and in use since 1870, in hands of frontier protection companies; 700 bayonets (they go with guns); 267 bayonet scabbards, in arsenal, worn out by long usage; 184 cartridge boxes, in arsenal, worn out by long usage; 50 cartridge box belts, in arsenal, worn out by long usage; 150 waist belts, in arsenal, worn out by long usage; 5 tents, in arsenal, worn out by long usage; 2 six-pounder Parrot guns; 2 six-pounder Parrot gun carriages; 2 six-pounder Parrot gun caissons; 1 old cannon.

I have also to inform your excellency that after diligent inquiry in

regard to the purchase of a lot on which to erect an arsenal, I have been able to find but one for sale which is suitable for the purchase, viz: the one on which is situated the house now occupied as an arsenal. This property—house and two lots—cannot be purchased for less than \$2500. To put the house in proper condition for an arsenal would require \$500 more.

I beg leave respectfully to suggest that, in my opinion, it would be better to expend this sum in the erection of a more capacious and suitable building on the public grounds, near the capitol. An appropriation of \$250 would probably be sufficient, and a lot of public ground, northeast of the capitol square, would be a suitable and convenient locality.

Very respectfully, your obedient servant,

JOHN B. JONES, *Adjutant General*.

#### PRAIRIE VIEW SCHOOL REPORT.

*To his excellency O. M. Roberts, ex-officio President of the Board of Directors of the State A. and M. College of Texas:*

GOVERNOR—I have the honor to submit that at Prairie View the buildings are as follows: One main building, with twelve rooms. Eight of these rooms are about 18x20 feet; the others smaller. There is a good dining-room and pantry; the kitchen is small. There is a school-room, not of the proper size, but it will do for thirty-five pupils. Joined to this are two rooms, and comfortable ones. Adjoining the kitchen are two rooms.

In the yard is a room used by Mrs. Kirby as a music-room, about 20x20 feet. There is no meat and store-room.

You see from the above that there are fifteen available rooms. One should be used for a parlor or office and one for the principal, leaving thirteen rooms. In these thirty-five can be easily lodged. My opinion is that there need be no additional buildings erected at present.

The greatest difficulty, it seems to me, will be in having the two sexes in the same building.

It will be hardly possible to keep down ground for scandal if there is not some sort of practical separation.

A small addition to the building containing the school-room, to be used as a dormitory for girls, would be almost a necessity; or, what might be better, the erection of a school-room and the conversion of the present school-room into dormitories.

There must, I think, be two teachers, and the assistant must have a recitation room. There are here ten desks that will answer for twenty students. Eight more will be required.

I furnished the house with twenty single mattresses and pillows. Each mattress has a cotton cloth around it, and a leather strap. There are no bedsteads. If I kept a male school, it was my purpose to require the boys to sleep on these mattresses, and in the morning roll them up and stand them up in the corner of the room.

There are ten small pine tables and two long dining-tables, twenty dining-chairs (common) and twenty chairs for the rooms, one dozen good chairs and a good desk in the office. There is one plain bedstead and washstand. There is a good cooking stove and kitchen, and tableware for twenty.

There are two plows, some hoes, a spade, etc., and one wagon. There are three mules. All of them are "rented" until the first of September. I rented portion of the land and a mule to a colored man, and furnished him with supplies, to be paid out of his crop. I did this to induce him to live on the place. I arranged with Prof. Menin to remain in the building and look after the property, "at such compensation as the board shall allow."

Much will depend on this school being moved off properly. Once get a bad start, and it will take time to correct.

Your excellency will observe that there is not sufficient furniture to supply the additional number of fifteen.

There should be some plain, strong bedsteads. There should be some provision for books and stationery.

Pupils will go here without these articles and without money.

There should be something said about care of the sick.

For all these things \$6000 will not answer.

I think girls and boys should be detailed to do work about the place, whatever is required. There must be, however, one chief cook and one principal washwoman, and over these must be one to overlook, the principal to control all. But for buying the furniture the six thousand would be ample.

Food for the team must be purchased for the first session. It seems to me that after that enough could be made if the scheme works.

Twelve hundred dollars is enough for the principal, and three or four hundred for an assistant, board included.

I believe I can think of nothing more that would interest your excellency. Your obedient servant,

THOS. S. GAITHRIGHT.

June 2, 1879.

Senator Motley moved that the reading of the same be dispensed with, and that 100 copies of the message and accompanying documents be printed.

Senator Ledbetter moved to amend the motion of Senator Motley by striking out "100" and inserting "500."

Accepted by Senator Motley, and the pending motion as amended was adopted.

Senator Motley offered the following resolution:

*Resolved*, That the committee on public printing be directed to contract for the immediate printing of the governor's message and documents.

Senator Houston offered the following substitute:

*Resolved*, That the committee on public printing take charge of the printing of the message of the governor and accompanying documents, and have the same done so soon as practicable.

Adopted, and the resolution as substituted then adopted.

Senator Moore offered the following resolution:

*Resolved*, That the standing committees of this Senate now convened in extra session of the Legislature occupy the same rooms for transaction of its business which were appropriated to them at the last regular session of this body

Adopted,

Senator McCulloch offered the following resolution:

*Resolved*, That each member of this Senate be furnished with fifteen daily newspapers, to be paid for out of the fund for contingent expenses



of the Senate, the papers to be selected by each individual member from any one or more daily papers; *provided*, that said newspapers shall not cost over five cents per copy, and that said papers shall contain a full and complete statement of each day's proceedings of this Senate, or at least a true synopsis of said proceedings.

Senator Gooch offered the following substitute:

*Resolved*, That the sergeant-at-arms of the Senate be instructed to subscribe for ten copies of such daily paper or papers as each senator shall select, to be paid for out of the contingent fund of the Senate, at a cost of not more than five cents each.

Senator Davenport moved to amend the resolution by striking out "fifteen" and inserting "thirty."

Senator Houston moved to refer the pending resolution, substitute and amendment to the committee on public printing.

Adopted.

On motion of Senator Motley, the Senate adjourned until 9 o'clock A. M. to-morrow.

## SECOND DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, June 11, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Ledbetter, the reading of the journals of yesterday was dispensed with.

Senator Hobby called attention to the omission of the name of Hon. L. J. Storey, president *pro tempore*, among the list of officers of Senate mentioned as present on the meeting of the Legislature on yesterday.

The journal was corrected in this respect and then adopted.

Senator Davenport rose to a question of privilege in justice to the secretary of the Senate, growing out of the following in the *Statesman* of the eleventh instant, to wit:

"Yesterday the representative of the *Statesman* was refused a copy of the journals in the Senate, on the ground that instructions had been given to turn the journals over to another publisher."

And the following: "The *Statesman* was refused a copy of the journals because it had been officially promised to a public free school press."

Senator Davenport said that it was unnecessary to say that the president had nothing whatever to do with this matter; and that so far as the secretary of the senate was concerned he simply declined to let any member of the press of the city have the official journal until arrangements had been made for its authoritative publication, but the same was open to such of them as desired to make copies thereof, and that those who did publish the journals did so from copies taken from the official journal.

Senator Gooch introduced a bill entitled "An act to make an appropriation to pay the interest on the public debt for the years ending March 1, A. D. 1880, and March 1, A. D. 1881."

Read by caption and referred to the committee on finance.

Senator Shannon introduced a bill entitled "An act to make an appro-